PARL. PAPERS
FOR REFERENCE ONLY.

605254

REPORTS

FROM

COMMITTEES:

ELEVEN VOLUMES.

—*(1.)*—

BURIAL ACTS;
CAPITAL PUNISHMENTS; CIVIL SERVICE ESTIMATES;
CONTRACTS FOR PUBLIC DEPARTMENTS;
EXPIRING LAWS; FORMATION, &c. OF PARISHES BILL;
MILITIA ESTIMATES; PUBLIC PROSECUTORS;
ST. JAMES'S PARK; SLIGO BOROUGH ELECTION
PRIVATE BILLS;
RAILWAY AND CANAL BILLS; STANDING ORDERS REVISION;
LIBRARY OF THE HOUSE.

Session

31 *January* —— 29 *July* 1856.

VOL. VII.

1856.

REPORTS FROM COMMITTEES:

1856.

ELEVEN VOLUMES:—CONTENTS OF THE

FIRST VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

BURIAL ACTS:

367. REPORT from the Select Committee of the House of Lords on the Burial Acts; together with the Proceedings of the Committee - - - - - - - - - - - - p. 1

CAPITAL PUNISHMENTS:

366. REPORT from the Select Committee of the House of Lords appointed to take into consideration the present mode of carrying into effect Capital Punishments; together with the Minutes of Evidence, and Appendix - - - - - - - - - 9

CIVIL SERVICE ESTIMATES, Class 7:

304. REPORT from the Select Committee on Civil Service Estimates, Class 7; with the Proceedings of the Committee, Minutes of Evidence, and Appendix - - - - - - - - - 65

CONTRACTS FOR PUBLIC DEPARTMENTS:

362. REPORT from the Select Committee on Contracts for Public Departments; together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index - - - - 117

EXPIRING LAWS:

115. REPORT from the Committee upon Expiring Laws - - - 269

FORMATION, &c. OF PARISHES BILL:

106. REPORT from the Select Committee on Formation, &c. of Parishes Bill; together with the Proceedings of the Committee, and Minutes of Evidence - - - - - - - - - 291

MILITIA ESTIMATES:

297. REPORT from the Select Committee appointed to prepare Militia Estimates, for the Year ending 31 March 1857 - - p. 339

PUBLIC PROSECUTORS:

206. REPORT from the Select Committee on Public Prosecutors; together with the Proceedings of the Committee, and Minutes of Evidence - - - - - - - - - - - - 347

ST. JAMES'S PARK:

85. REPORT from the Select Committee on St. James's Park; together with the Proceedings of the Committee, and Minutes of Evidence, 387

SLIGO BOROUGH ELECTION:

234. MINUTES OF EVIDENCE taken before the Select Committee on the Sligo Borough Election Petition; with the Proceedings of the Committee, 1856 - - - - - - - - - 409

PRIVATE BILLS:

57. FIRST REPORT from the Committee of Selection relative to the Grouping of Private Bills - - - - - - 431
73. SECOND REPORT - - - - - - - - 433
98. THIRD REPORT - - - - - - - - - 435
136. FOURTH REPORT - - - - - - - - 439
152. FIFTH REPORT - - - - - - - - - 441
192. SIXTH REPORT - - - - - - - - 443

RAILWAY AND CANAL BILLS:

83. FIRST REPORT from the General Committee on Railway and Canal Bills - - - - - - - - - 445
161. SECOND REPORT - - - - - - - - 449
256. THIRD REPORT - - - - - - - - - 451

STANDING ORDERS REVISION:

363. REPORT from the Select Committee on Standing Orders Revision, 1856 - - - - - - - - - - - 453

LIBRARY OF THE HOUSE:

426. REPORT from the Standing Committee on the Library of the House - - - - - - - - - - - - 569

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

ON THE

BURIAL ACTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

(Brought from the Lords, 15 July 1856.)

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1856.

367.

REPORT.

BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE to consider of the BURIAL ACTS; and to Report thereon to The House; and to whom were referred several Petitions relating to the Inquiry:—

ORDERED TO REPORT,

THAT the Committee have met, and considered the several Acts referred to them, and they submit the following RESOLUTIONS thereon:

1. "That before the ground is declared fit for consecration, the Burial "Board shall, besides the external wall or rail surrounding the whole cemetery, "provide a boundary between the consecrated and unconsecrated ground, "according to the metes and bounds described in the deed of consecration, to "consist of an iron rail, of not less than Three feet in height, and fitted to "bound stones; provided that any other fixed and permanent boundary which "the Burial Board may prefer may be adopted, with the sanction of the "Bishop."

2. "That, to remove doubts, it is expedient to declare and enact, that in "any case in which any ground shall be consecrated under any faculty as a "family burial-place, no general right to bury in such ground shall be acquired "by others than those to whom it is limited in such faculty as the result of "such consecration."

4th July 1856.

ORDER OF REFERENCE.

Die Martis, 1° *Julii* 1856.

That "The Burial Acts be referred to a Select Committee, to consider and report thereon to the House."

The Lords following were named of the Committee:

Lord Archbishop of Canterbury.
Lord Privy Seal.
Duke of Somerset.
Marquess of Bath.
Earl of Doncaster.
Earl of Shaftesbury.
Earl of Portsmouth.
Earl Fortescue.
Earl Malmesbury.
Earl of Lonsdale.
Viscount Sydney.
Lord Bishop of Rochester.
Lord Bishop of St. David's.
Lord Bishop of Oxford.
Lord Bishop of Salisbury.
Lord Bishop of Bath and Wells.
Lord Redesdale.
Lord Portman.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT THE SITTING OF THE COMMITTEE.

Die Veneris, 4° *Julii* 1856.

LORDS PRESENT:

Lord Archbishop of Canterbury.	Earl of Lonsdale.
Lord Privy Seal.	Viscount Sydney.
Duke of Somerset.	Lord Bishop of Rochester.
Marquess of Bath.	Lord Bishop of St. David's.
Earl of Doncaster.	Lord Bishop of Oxford.
Earl of Shaftesbury.	Lord Bishop of Salisbury.
Earl of Portsmouth.	Lord Bishop of Bath and Wells.
Earl Fortescue.	Lord Redesdale.
Earl Malmesbury.	Lord Portman.

Order of Reference read.

Order of the House of Tuesday last, empowering the Committee to appoint their own Chairman, read.

It is proposed, That the Earl of *Doncaster* do take the Chair.

The same is agreed to, and the Earl of *Doncaster* takes the Chair accordingly.

Orders read, referring to the Committee Two Petitions of Inhabitants of *Cheshunt*; of Parishioners of *Blandford Forum*; and, of Inhabitants of *Great Torrington*, for alteration of the law respecting Burials.

The said Petitions are read.

Sections 30 and 32 of the Act 15 & 16 Vict. c. 85, are read by the Clerk.

The course of proceeding is considered.

It is proposed by the Lord Bishop of *Oxford* to resolve, "That before the ground is "declared fit for consecration, the Burial Board shall, besides the external wall or rail "surrounding the whole cemetery, provide a boundary between the consecrated and uncon- "secrated ground according to the metes and bounds described in the deed of consecration, "to consist of an iron rail of not less than Three feet in height, and fitted to bound stones; "provided that any other fixed and permanent boundary which the Burial Board may "prefer may be adopted, with the sanction of the Bishop."

On question, agreed to.

It is proposed by the Earl of *Malmesbury* to resolve, "That in the Act 15 & 16 Vict. c. 85, "s. 30, the words 'Building and Buildings' be substituted for the words 'Chapel and "Chapels.'"

Objected to. On question:—

Content.	Not Content.
Earl of Shaftesbury.	Lord Privy Seal.
Earl of Portsmouth.	Duke of Somerset.
Earl Fortescue.	Marquess of Bath.
Earl of Malmesbury.	Earl of Doncaster.
Earl of Lonsdale.	Lord Bishop of Rochester.
Viscount Sydney.	Lord Bishop of St. David's.
Lord Portman.	Lord Bishop of Oxford.
	Lord Bishop of Salisbury.
	Lord Bishop of Bath and Wells.
	Lord Redesdale.

It is proposed by the Earl of *Malmesbury* to resolve, "That, to remove doubts, it is "expedient to declare and enact, that in any case in which any ground shall be consecrated "under any faculty as a family burial-place, no general right to bury in such ground shall "be acquired by others than those to whom it is limited in such faculty as the result of "such consecration."

On question, agreed to.

It is proposed by the Lord *Portman* to resolve, "That the provisions of the Burial "Acts be enforced by the Court of Queen's Bench."

On question, resolved in the Negative.

It is proposed by the Lord *Portman* to resolve, "That an Appeal be permitted to the "Archbishop's Court."

On question, resolved in the Negative.

The Draft of a Report having been prepared, the same is read by the Clerk, and agreed to.—(*Vide* the Report.)

Ordered, That the Lord in the Chair do make the said Report to the House.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

ON THE

BURIAL ACTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

(*Brought from the Lords,* 15 *July* 1856.)

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1856.

367.

Under 1 *oz.*

Brought from the Lords, 15 July 1856.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED

"To take into Consideration the present Mode of carrying into effect CAPITAL PUNISHMENTS;"

AND TO REPORT THEREON TO THE HOUSE;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND

APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1856.

366. ←

ORDER OF REFERENCE.

Die Veneris, 9° Maii 1856.

"Moved,—That a Select Committee be appointed to take into Consideration the present Mode of carrying into effect Capital Punishments: On Question, agreed to: The Lords following were named of the Committee: The Committee to meet on Tuesday the 27th instant, at Four o'clock, and to appoint their own Chairman:

L. Privy Seal.
M. Lansdowne.
M. Salisbury.
E. Shaftesbury.
E. Stanhope.
E. Grey.
V. Dungannon.
V. Gordon.
L. Bp. St. David's.
L. Bp. Oxford.
L. Bruce.
L. Lyttelton.
L. Redesdale.
L. Somerhill.
L. Brougham and Vaux.
L. Ashburton.
L. Campbell.
L. St. Leonards."

REPORT.

BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE "to take into consideration the present Mode of carrying into effect CAPITAL PUNISHMENTS;" and to Report thereon to The House:—

ORDERED TO REPORT,

THAT the Committee have met, and considered the subject-matter to them referred; and have examined witnesses, and received communications on the following points:

On the effects produced by executions for capital offences as they are now conducted—

1. On the spectators.

2. On the population of the towns where the execution takes place.

3. On other criminals.

4. On the criminal himself.

5. As to the evils which may be apprehended from the substitution of comparative privacy, in carrying the last sentence of the law into effect, for the present system of entire publicity.

6. As to the advantages which may result from such a change.

7. As to the effects which have been found to result from such a change in other countries in which the altered system has been adopted.

On the first six of these heads of inquiry it is, from the nature of the case, impossible to arrive at anything more certain than opinion: the Committee have therefore endeavoured to obtain the opinion of those who, from their official position, possessed peculiar opportunities of drawing their conclusions from actual observation of the working of the present system, and have sifted the grounds on which these opinions have been formed.

On the first head of inquiry, the effect, that is to say of the sight of capital punishments on the mass of the spectators, the great preponderance of evidence represents the sight of capital executions as by no means generally deterring in its effect: that it is regarded as a mere sight to which people throng from all parts (Answers 191, 192, 193, 194). That in the words of the witnesses it is regarded "as a show" (Letter 3); and "that all kinds of levity, jeering, laughing, hooting, whistling, whilst the man is coming up—while he is still suffering—whilst he is struggling, and his body is writhing, are going on; with obscene expressions" (234); that "the sight clearly diminishes the awfulness of the effects of capital punishment" (235. 333); that there was no evidence of any moral impression (45); that the death of the criminal is followed by "sounds of low jesting and indecent ribaldry" (85), "the hubbub and uproar being most disgusting;" (Letter 2). That in conversation afterwards the spectators "made light of it" (103), with such remarks as, "I should not care about being hanged, if that is all" (105); that it was not to them "a terrible sight" (322); that when viewed more seriously, it was too often from the gratification of merely "revengeful feelings" (110. 333); that its tendency is "to harden those who see it" (113. 232), who "go to it as they would to a theatre, or the

exhibition of a bull-fight; pretty nearly the same faces being observed near the scaffold on each occasion" (268.) On the other hand one witness, who has had opportunities of observation, thought that the present mode "had a very decidedly beneficial effect" (355); that it "tended to prevent the commission of crime" (353. 372); and that even those who laughed and joked at the time might afterwards be affected by it; but he added, that he knew no instance of this, whilst the notion of the honour of criminals "dying game" (378) was "very common amongst the lower class of society" (367); and that "speaking individually, he was decidedly of opinion, that it would be much better that executions should take place privately, the present mode satisfying a morbid curiosity which ought not to be gratified" (363–365).

2. On the second point, of the moral effect upon the towns where executions take place, it was stated in evidence,—that "the whole town for the day was a scene of riot and drunkenness and debauchery of every kind" (677); that the roads approaching it were, towards evening, "filled with disorderly and drunken persons" (19); that the country people "flock in as to a bull-baiting or a cock-fight;" and, after the solemn scene is over, "the day is invariably one of drunkenness, oaths and disorder" (19); that the "day is a kind of holiday spent at the beer-shops" (213). "The disgraceful state of the town," says a witness of the highest character, "on the day of execution, exceeded anything that I had before witnessed, or could have credited" (Appendix 8).

3. On the third point, of the effect produced on the criminal portion of the population, the evidence was, that the present mode tended to glorify the criminal, and so invest crime with something like the honours of martyrdom (19); that criminals were commonly found to have been frequent attendants at executions (47. 49. 85. 219); that the terrors of death were lightened by the spectacle (142. 170. 172, 173. 239), and "a hardening effect produced on those who were already tainted with crime" (290. 339); "that the imagination of an evil-doer would draw a far more impressive picture of an execution taking place within the gaol, out of his sight, than would be actually presented to his eyes in public" (333); and that "no good effect could be traced in criminals to their having witnessed executions" (380); but that "if criminals were executed within the prison walls, and seen no more after trial and sentence, it would strike terror and dismay into the wicked" (Appendix 2).

4. On the criminal himself the effect was described as leading "to bravado, protestations of innocence, singing hymns" of triumph (331); and as "having altogether an injurious influence" (332).

5. As to the evils which might be apprehended from any change of system, one of the witnesses gave his "decided opinion that the public execution of criminals deters from crimes" (372). He was also convinced, that "no plan for private executions would satisfy the public generally" (359). He thought "that doubts and suspicions might prevail in the public mind whether the execution had really taken place" (364); and "that the middle and lower classes would wholly disbelieve in the fact of such executions" (373. 390). Another witness thought that such suspicions might exist when sentence had been pronounced against a man of the higher classes, unless some chosen panel of witnesses testified as to the fact (98). Whilst two others wrote, "that the public is certainly in favour of public executions" (Appendix 7). On the other hand, one witness, eminently qualified to form a correct judgment, writes, "I have no hesitation in confidently stating that, in my opinion, no benefit, directly or indirectly, is derived from public executions" (Appendix 8).

6. On the advantages which might be looked for from such a change, many of the witnesses gave their opinions. They urged the great advantage of the removal of those evils which have been already enumerated as accruing to the spectators of such scenes generally, to the criminal portion of the community, to the criminals themselves, and to the towns in which public executions are now carried into effect; and they added the expression of their conviction "that a certain mystery and uncertainty about the actual extinction of life creates greater

greater solemnity upon the mind than the public witnessing of the act" (109); that "if it was known to those who might be congregated about, by the tolling of a bell, or some external signals, such as raising a black flag, that at that moment the man was dying, they would more reflect on what was going forward, and it would be attended with a better and more awful effect" (175. 241. 242. 333. 339 (Appendix 2). Such was stated by one witness to be "the general opinion of the police officers employed under him" (305, 306, 307); and on this principle in another district the prisoners were not allowed to see the execution of capital offenders (184, 185, 186); whilst the witnesses "did not see the slightest difficulty in carrying into effect executions in comparative privacy, so as to remove all danger of the apprehension that they had not been carried into effect, both by the classes who constitute the lookers-on and the community at large" (183). Various modes were suggested for securing this end, such as impanneling a jury for the purpose; admitting a certain number within the walls of the gaol, and allowing them to be present; holding an inquest on the body, &c.

7. As to the customs of other countries with regard to executions, and the effects which have resulted from them, the Committee received evidence that in Prussia, and in several of the northern German States, executions have for the last 10 or 12 years been always carried into effect within the prison walls (392); that in many of the States of North America the practice of carrying into effect executions within the gaol walls before some few admitted spectators. was adopted 10 or 12 years ago (426). The executions, also, in the colony of British Guiana are carried into effect within the prison walls (Appendix 5). In Prussia and in America certain official witnesses are present, and a few spectators are admitted by the authorities. The reasons given for the adoption of the change were, "the bad moral effects which had been found to follow from public executions" (399); "the morbid feelings excited by the spectacle leading to the commission of crime, and even to the greater frequency of murder" (399); whilst "it drew away attention from the real awfulness of the punishment" (401); and "tended to make the criminal a hero" (402. 428); that "no evils had followed from the adoption of the present plan" (403); "that divesting executions of their circumstance and parade made them more terrible to the offender" (431); that "no suspicion had arisen as to the fact of the execution being actually carried into effect" (427); that "there have been rather fewer murders since the change" (412); that "the public feeling in Prussia is decidedly in favour of the present plan, and that a return to the old mode would be generally condemned by all classes" (404, 405, 406, 407); and that in the United States "the opinion of the country is so strong in its favour, that there is no doubt the practice will exist throughout the whole of the union in a very short time" (427, 428.)

On reviewing the whole of the evidence, the Committee are of opinion—

1. That executions should in future be carried into effect within the precincts of the prison, or in some place securing similar comparative privacy.

2. That a certain number of official witnesses be present at the execution, and sign a deposition to having witnessed it.

3. That such other spectators as the local authorities see fit to admit be also allowed to be present.

4. That the exact time of the execution be made known to those without, as for instance by the tolling of a bell, which shall cease at the moment of execution, and the hoisting at the same time of a black flag.

And the Committee have directed the MINUTES OF EVIDENCE taken before them, together with an APPENDIX thereto, to be laid before your Lordships.

7th July 1856.

LORDS PRESENT AT EACH SITTING OF THE COMMITTEE.

Die Martis, 27° *Maii* 1856.

Lord Privy Seal.
Earl Stanhope.
Viscount Dungannon.
Lord Bishop of St. David's.
Lord Bishop of Oxford.
Lord Lyttelton.
Lord Redesdale.
Lord Somerhill.
Lord Ashburton.

Die Veneris, 30° *Maii* 1856.

Lord Privy Seal.
Marquess of Salisbury.
Earl Stanhope.
Viscount Dungannon.
Viscount Gordon.
Lord Bishop of St. David's.
Lord Bishop of Oxford.
Lord Bruce.
Lord Lyttelton.
Lord Redesdale.
Lord Somerhill.
Lord Ashburton.
Lord St. Leonards.

Die Veneris, 13ª *Junii* 1856.

Marquess of Salisbury.
Earl of Shaftesbury.
Earl Stanhope.
Viscount Gordon.
Lord Bishop of Oxford.
Lord Bruce.
Lord Campbell.
Lord St. Leonards.

Die Jovis, 19° *Junii* 1856.

Lord Privy Seal.
Marquess of Salisbury.
Earl of Shaftesbury.
Earl Stanhope.
Viscount Dungannon.
Viscount Gordon.
Lord Bishop of Oxford.
Lord Bruce.
Lord Redesdale.
Lord Somerhill.
Lord Ashburton.

Die Veneris, 4° *Julii* 1856.

Lord Privy Seal.
Marquess of Salisbury.
*Marquess of Ailesbury.
Earl of Shaftesbury.
Earl Stanhope.
Viscount Dungannon.
Viscount Gordon.
Lord Bishop of St. David's.
Lord Bishop of Oxford.
Lord Lyttelton.
Lord Somerhill.

* Lord Bruce in Order of Reference.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Die Veneris, 30° *Maii* 1856.

	PAGE
The Venerable Archdeacon Bickersteth - - - -	3
Colonel John Le Couteur - - - - - -	15

Die Veneris, 13° *Junii* 1856.

Mr. Henry Barber - - - - - - -	19
Mr. Charles George Hodgson - - - - - -	24
Mr. Adam Sparry - - - - - - - -	28
The Reverend John Clay - - - - - -	31

Die Jovis, 19° *Junii* 1856.

Mr. John Haynes - - - - - - - -	35
Mr. Frederick De Katte - - - - - - -	38
The Honourable J. P. Kenedy - - - - - -	40

Die Veneris, 30° Maii 1856.

LORDS PRESENT:

Lord Privy Seal.	Lord Bruce.
Marquess of Salisbury.	Lord Lyttelton.
Earl Stanhope.	Lord Redesdale.
Viscount Dungannon.	Lord Somerhill.
Viscount Gordon.	Lord Ashburton.
Lord Bishop of St. David's.	Lord St. Leonards.
Lord Bishop of Oxford.	

THE BISHOP OF OXFORD in the Chair.

The VENERABLE ARCHDEACON BICKERSTETH is called in, and examined as follows:

1. *Chairman.*] HAVE you had opportunities of observing the effects produced by capital punishment as now carried into execution in England upon those who witness it?

I have had opportunities in two different assize towns of observing them; Shrewsbury and Aylesbury.

2. At what time were those observations made?

My observations at Shrewsbury extended from 1839 to 1848; at Aylesbury, from 1853 to the present time.

3. In both cases had executions actually taken place in those towns?

Yes.

4. Will you state to the Committee, as to either or both of those places, what effects you so observed?

I think the case which first attracted my attention to the great evil of public executions was the case of Josiah Misters, who was executed in 1841. It was a case which attracted a great deal of attention in the neighbourhood, and an unusually large concourse attended the execution.

5. What was the crime for which he suffered?

He was executed for attempting to murder a commercial traveller, of the name of Mackreth, at Ludlow. There was an unusually large attendance.

6. Not only of the inhabitants of the town, but of the country round?

Yes; the whole scene was new to me, and very unexpected. The town was converted for the day into a fair. The country people flocked in in their holiday dresses, and the whole town was a scene of drunkenness and debauchery of every kind. I had an opportunity of inquiring from some of the most respectable inhabitants what was their own impression, and their opinion entirely coincided with my own, that the whole exhibition was calculated to be injurious to good morals, rather than otherwise. It was particularly remarked upon that occasion that a very large number of children were present: children and females constituted the larger proportion of the attendance.

7. Was there anything special in the act of the execution?

No.

8. Have you any means of tracing whether the execution produced a salutary impression upon any; did anything come under your observation at the time,

The Ven. Archdeacon Bickersteth.

30th May 1856.

or to your knowledge afterwards, which enables you to speak upon that point with any authority?

It is exceedingly difficult to trace the effect which may be produced upon individual persons, but I could never trace any salutary impression to have been produced; in fact, the more respectable part of the inhabitants keep away from these scenes; those who attend them are, for the most part, of the lowest class, and the most profligate.

9. As far as you were able to judge from what followed that execution, the impression was not one of seriousness?

No; and it was impossible to make it so. I was anxious before the day came, if possible, to use it as a day upon which some moral effects might be produced, but I found it was quite in vain. Some of the more respectable part of the inhabitants left the town, and all felt that the event was a source of great evil.

10. Lord *Lyttelton.*] Had you the spiritual charge of the town of Shrewsbury at that time?

I had the charge of one parish in the town of Shrewsbury.

11. Viscount *Dungannon.*] Did the children and females who attended appear to have come from the country, or were they inhabitants of the locality?

They came from long distances, and there was a considerable proportion of those from the neighbourhood as well.

12. You did not happen to be called in professionally to see Misters, did you?

No; I had nothing to do with the gaol.

13. I think there was an execution again, in the following year, for the murder of a man of the name of John Williams?

I think there was.

14. Had you occasion to observe what passed upon that occasion?

I was not in Shrewsbury at that time; I purposely absented myself. Finding it impossible to do any good by being present, I left with my family.

15. Bishop of *St. David's.*] Those who came from a long distance were not of the labouring class, were they?

Yes, I think they were.

16. Did they come by some cheap train?

They walked very long distances in some cases.

17. They were labouring men, you think?

Yes, particularly young men and young women. They formed parties, and came.

18. Lord *St. Leonards.*] Had there been a previous execution within any short time in Shrewsbury?

I am not able to answer that question.

19. *Chairman.*] What was the effect produced upon the second occasion?

The effect upon the subsequent occasion was precisely the same as on the former occasion. I returned late the same evening. The roads, as we approached the town, were filled with disorderly and drunken persons. If the Committee will allow me, I should be glad to read a letter from a respectable inhabitant of Shrewsbury, to whom I wrote upon the subject: "I cannot imagine," he says, "that many persons of intelligence could be met with in cities and county towns, where such scenes have taken place, who would not heartily concur in a movement for the suppression of public executions. They have not of late years, I am thankful to say, been of frequent occurrence in Shrewsbury; but on each occasion of the kind that I can recollect, the conduct of the disorderly rabble who congregated to the spectacle was such as to leave not the shadow of a doubt of their not being profitably impressed (and if not profitably impressed, the inference is pretty clear that they must have been injuriously impressed) by what they witnessed. The mining districts have generally furnished the large proportion of spectators. They come just as they would to a bull-baiting or a cock-fight; and after the solemn scene is over, the day is invariably one of drunkenness, oaths, and disorder. About 30 years

The Ven. Archdeacon Bickersteth.

30th May 1856.

years ago, a man who had been a local preacher among the Methodists was executed at Shrewsbury. He had been convicted of the crime of murder, on the most clear and undoubted evidence; yet at the time of his execution he was permitted to speak to the people, several thousands of whom were present, as usual. Having a powerful voice, which he exerted to the utmost, he was heard at a great distance, even as far as the gardens on the north side of the Abbey Foregate. In the course of his harangue, he called out several times, 'I am going to glory!' 'What shall I do for you? Tell me, what shall I do for you?' He then gave out a hymn, two lines at a time, which was sung by a portion of the throng, himself leading the singing; and at the conclusion the executioner performed his office. Surely such a scene could only have had one or other of two effects on the minds of the persons present: it must either have diminished their respect for the laws of man, or have weakened their fear of God. If they thought that so holy a man could not have committed so foul a deed, the laws of man must have fallen in their regard; but if they still considered him guilty, their respect for religion must have been weakened by such daring hypocrisy. It is reasonable to suppose that the revolting exhibition which occurred a short time ago in London must have changed the opinion of many who had previously been in favour of the present system, and hence I think this to be a good time to try for the alteration."

20. Lord *Somerhill.*] Was there a clergyman present upon the occasion which is there referred to?

I am not able to answer that question.

21. Lord *Redesdale.*] Was the writer of that letter present at the execution?

He was in the town at the time. There is a suggestion made by the writer of the following nature: "It appears to me, that if it were ordered that executions should take place privately before competent witnesses, it would still be desirable that the body of every executed person should be exhibited in a coffin or shell publicly. It may be placed just within the prison gates, or within some temporary fencing, in front of which a wooden barrier may be erected, at each end of which a policeman may be placed, so as to allow only one or two persons (who would not be permitted to loiter) to view the body at one time. There would, no doubt, be much less curiosity excited than at present, but those who would desire to witness such a sight may not be improperly affected by it. On the other hand, it is probable that the salutary influence of the example which is so much contended for by the upholders of the existing system would be allowed. The still corpse close at hand must impress more strongly in the right way than the dangling body in the distance." With regard to that suggestion, I doubt the wisdom of it. I should prefer that in all cases of capital punishment the body of the criminal should be delivered back to his friends. I think that would constitute a proof of the sentence having been executed; and though the body might, in some instances, find its way to the dissecting room, I do not think it would be the case frequently.

22. Lord *Redesdale.*] Do you think that, if that were done, it would be possible to satisfy the public mind in many instances that the sentence had been carried into effect?

Not unless there were chosen witnesses also.

23. Lord *Lyttelton.*] In whom would you repose the task of witnessing the execution?

I would propose that there should be chosen from year to year a panel of witnesses from all classes, upon whom the painful necessity should devolve, if it should arise.

24. Lord *Redesdale.*] What object do you propose to attain by having the body delivered over to the relations, instead of being buried within the precincts of the gaol?

I think it would constitute an additional proof of the fact of death having taken place.

25. Lord *St. Leonards.*] Does not it occur to you that that would rather lessen the punishment? Take the case of the unhappy man who is now about to die; if it were part of the sentence that his body should be delivered over to his friends, would not it be viewed as lessening the severity of the punishment?

The Ven. Archdeacon Bickersteth.

30th May 1856.

There is now a feeling that it does add to the disgrace of the punishment that the body should be buried within the gaol; but if in all cases the body were delivered back to the friends, probably that would pass away.

26. Lord *Somerhill.*] Where would you propose that such a body should be buried; in the churchyard of the parish to which the man belonged, and with the usual ceremonies?

Not in all cases. I think, supposing the course I recommend were adopted, it would be very easy to require that with the dead body there should be a certificate from the chaplain as to the state of mind in which the prisoner died, and a difference might be made between the case of a man dying penitent, and in the communion of the Church, and a man dying impenitent, without confession.

27. Would you make the way in which you would dispose of the body of a man who has been condemned, say upon circumstantial evidence, depend upon the fact of his confessing the justice of his sentence?

Simply with regard to the rites of burial being administered over that body, I think it might depend upon the confession of his guilt afterwards whether he should be interred with Christian rites or not.

28. Is it your opinion, looking to the number of instances in which public executions have taken place in the United Kingdom, I say within the last 100 years, it is quite impossible that in any one case a man who has been convicted upon circumstantial evidence, and has suffered the extreme penalty of the law, should have been innocent?

Such a case is quite possible.

29. Bishop of *St. David's.*] Your object in restoring the body to the friends of a criminal would be to increase the certainty of the death?

That is the first object.

30. Viscount *Dungannon.*] Would not you consider it advisable that, if the body be buried in the churchyard, it should be buried without any service whatever being read over it?

If a man, after conviction, expressed his penitence in such a way as to satisfy the chaplain that he was truly penitent, I do not see why we should refuse the rites of Christian burial to him.

31. *Chairman.*] Does not it strike you that you would be introducing a dangerous principle, by making any difference between a man confessing and a man not confessing his guilt?

I do not press that point at all. My main reason for advocating the delivery of the body to the friends is what has been mentioned; I believe it would obviate one great argument against an alteration of the law in regard to public executions, which is, the difficulty of establishing sufficiently clear proof of the death.

32. Bishop of *St. David's.*] Do not you consider that the fact of the jury, which you think should be impanelled, witnessing the death would be sufficient of itself; and would the restoration of the body to the friends of the deceased, in your opinion, make any material difference in the weight of their testimony?

It strikes me it would somewhat increase the strength of the evidence.

33. Marquess of *Salisbury.*] Upon what principle, then, would you impose that duty upon the jury?

There is great difficulty, I admit.

34. Lord *Somerhill.*] Does not it strike you that the effect would be more wholesome if the funeral service of the Church were not to be read over the body of a murderer; would not the effect be more striking were he to be buried without any form whatever, as in the case of a man against whom a verdict of *felo de se* had been returned?

It might be so. I am not prepared to give a decided opinion on that point.

35. *Chairman.*] Have you anything further to say with respect to the Shrewsbury case?

No.

36. Lord *Somerhill.*] Do you recollect whether, in the case you have mentioned, the execution took place upon a market day, or upon a day on which there were other inducements to persons to resort to the town?

The

The second case I have mentioned did take place on a market day, but it took place, by an arrangement on the part of the authorities, early in the morning. Executions formerly took place in the middle of the day, but on this occasion it took place early in the morning.

37. *Chairman.*] In the case of Misters, was the execution on a market day?
I cannot say.

38. Lord *Somerhill.*] Is the place of execution in Shrewsbury in the centre of the town, or in a frequented thoroughfare, or is it in the outskirts of the town?
I should say it is not in a central part of the town; but it is substantially in the town.

39. Bishop of *St. David's.*] Is it in a place which is surrounded by houses?
Yes.

40. Viscount *Dungannon.*] Is not there a large open space immediately in front of the gateway over which executions generally take place?
Yes, there is a considerable space.

41. Lord *Somerhill.*] Which space is surrounded more or less by respectable houses, is it not?
There are some respectable houses.

42. And to the inhabitants of those houses such an exhibition is, not unnaturally, a disgusting scene?
It is a disgusting nuisance.

43. In any case has it happened to you either to have knowledge of, or to have considered the expediency of, an execution on the spot or in the neighbourhood where a desperate crime has been committed, which, generally speaking, would not be in a town or in a crowded thoroughfare?
That never has occurred to me as a practical mode of meeting the present difficulty.

44. Have you considered what effect that might have upon the population which naturally in many cases might differ considerably from that of a town?
No; I cannot say I have considered that subject.

45. You mentioned that there were a good many women and children present at the execution at Shrewsbury; have you any reason to know, one way or the other, what was the effect upon those children; were they, or were they not, impressed by the horrible death of the man, and with terror?
I never could learn that there was any moral impression produced; there was a shock, perhaps, at the moment; but I think the thing was regarded chiefly in the light of an exhibition, without there being any regard to the real terror of the circumstance.

46. Lord *Redesdale.*] Do you think that everybody who saw the execution went away with the impression that it was a very disagreeable thing to be hung?
I have with me proof, I think, to show that the sight of a public execution has no power, apparently, to deter from those crimes which lead to the gallows.

47. What proof?
The proof will appear when I speak of the second case. I have to mention the case of Moses Hatto; because within 12 months of the time when he was executed, he himself had been present at a public execution.

48. Lord *St. Leonards.*] Had you an opportunity, and if so, did you avail yourself of it, of speaking to any of the children who were present at the execution you refer to?
Yes; in the course of my parochial visitations I had several opportunities of speaking to them; in fact, I endeavoured to draw out their feelings in my school soon afterwards. I found that only a small proportion of my own scholars had been present, and I cannot say that there was any particular moral impression produced upon them; a few of them were shocked by it.

49. *Lord Privy Seal.*] Do not you believe a strong stigma is left upon the offence, and the man who has committed it, in the minds of the multitude, even in the case of those who are indifferent and careless at the time?
I should

The Ven. Archdeacon Bickersteth.

30th May 1856.

I should have thought it would have produced that effect, but facts seem against it; because I have evidence to show that in one gaol at least, of which I know something, the worst prisoners have been constant frequenters of public executions; and in the case of Hatto, he had himself been present at an execution within 12 months of the time of his being executed.

50. That would prove that an impression is not made on the minds of all who attend; but would it go farther than that?
It is very difficult to trace the effect upon any individual person.

51. Lord *Somerhill.*] Have you any knowledge of Hatto's previous life?
Only from what was recorded at the time.

52. From that record have you reason to think that his first crime was committed after he had seen that execution; or was he one of those abandoned persons who, as you describe, habitually frequent such scenes?
I do not sufficiently remember how the fact was.

53. In the minds of the children whom you questioned, do you consider that the memory of the man they saw executed is associated with disgrace, or with anything like heroism?
I think that the predominant feeling would be rather pity for the man.

54. Have you reason to think it was actually so?
I have.

55. Bishop of *St. David's.*] Do you remember any particular and significant expression which may confirm that notion?
Yes; I remember, in the case of Moses Hatto, it was remarked, that although that was a very aggravated case of murder, whatever serious expressions fell from the crowd were expressions of pity; such expressions as "Poor fellow," or something of that kind.

56. That was not anything you heard yourself?
No.

57. Lord *Bruce.*] Do not you think that in a place like Shrewsbury all the bad characters in the town will be almost sure to attend executions?
Yes.

58. Therefore, though it might not have deterred from crime in that one instance, it might have deterred in many others?
It is quite possible that it might be so.

59. Viscount *Dungannon.*] Have you ever heard any persons with whom you have had communications—any of your former parishioners at Shrewsbury, for example—express any such feelings as these, that the man "died with a good heart," or "he died game," or anything of that sort?
I have heard of such expressions being uttered; they would not be likely to be addressed to me as a clergyman.

60. *Chairman.*] You have alluded to an execution which took place while you were at Aylesbury; will you state to the Committee any facts which you think bear upon the subject as connected with that case?
Perhaps the Committee will allow me to read the Petition to the House of Commons which I drew up in that case:—"The humble Petition of the undersigned inhabitants of Aylesbury and the neighbourhood. Showeth, that your petitioners have just had painful experience of the demoralizing effects of public executions in the case of Moses Hatto, who was convicted and condemned for murder at the late assizes held in this town, and who underwent the extreme sentence of the law in front of the county gaol, in the presence of a large concourse of people, on Friday last. That your petitioners assent to the doctrine that 'the laws of the realm may punish Christian men with death for heinous and grievous offences;' and while they rejoice in the relaxation which the wise policy of late years has made in the penal code of this country, they feel convinced that the interests of society and the claims of justice alike require that the crime of murder should be visited with capital punishment. That your petitioners assume that the principal design of executing criminals in public is to strike awe into the minds of the spectators, and so to deter others from

from crime. That this design has in a great degree, if not altogether, failed of its purpose, it being well known that public executions are frequented by the lowest of the people, a large proportion of whom are females; that the day of an execution is regarded by them rather as a holiday than as a day of humiliation, and that the conduct of the masses on such occasions is such as to show that they are not influenced or impressed in any salutary manner, but are rather hardened and brutalized by these terrible exhibitions. That in the deliberate judgment of your petitioners, a public execution is a great social evil, tending to deaden the moral sense in those who most need to have it quickened, and wounding the feelings of large numbers of well-disposed persons living in the neighbourhood, who are compelled to be eye-witnesses of its bad effects, while they lose the advantage of the solemnising influence which all might derive when it is seen how, even in this world, justice overtakes the footsteps of the guilty. Your petitioners would therefore most earnestly submit to your Honourable House, whether some alteration in the mode of administering capital punishment may not be effected so as to remove the very serious evils of which they complain; and they would suggest whether the ends of justice would not be equally satisfied, and a far better moral effect produced, if the last sentence were administered in private before certain public witnesses."

61. Lord *St. Leonards.*] Was that petition written by yourself?
Yes; I drew it up.

62. Viscount *Dungannon.*] Was it numerously signed?
It was signed, I think, by about 60 persons.

63. Lord *St. Leonards.*] Out of how many parishioners?
The parishioners of my own part of Aylesbury are upwards of 5,000. I may add that at the execution which took place before that, there was an attempt made to prepare and to send up a petition on the same subject, and that petition was only signed by about six individuals. It was considered that the result of this petition showed that the public feeling was very much altering upon the subject.

64. Were those 60 all your parishioners?
They were not all my parishioners; a few were from the neighbouring villages, who were able to judge of the effects of public executions.

65. *Chairman.*] Are the Committee to understand you to mean that that is a *primâ facie* proof, that the whole number of persons out of the 5,000 who entertained those opinions are 60?
By no means. There were various circumstances to prevent its being more numerously signed. In the first place I must mention that in the town of Aylesbury there are more than 70 public-houses and beer-shops, and many of those houses have a direct interest in public exhibitions.

66. Lord *Redesdale.*] You said that 5,000 was the population of your own parish, and that some of those 60 came, not only from other parts of Aylesbury, but from adjoining parishes?
Yes.

67. Therefore the population represented by those 60 signatures is considerably more than 5,000?
By far the larger proportion were from the town of Aylesbury; but I do not infer anything from the number of those who signed the petition. I made no particular effort to get the signatures of the lower classes, for the reason I have mentioned. I made an effort to represent the evil to the more influential inhabitants, and those were the persons who signed this petition.

68. Lord *St. Leonards.*] How many executions have there been in Aylesbury within the last 10 years?
Two within the last 10 years.

69. Do you think that those two occasions in 10 years would be likely to influence all the publicans and all their customers in regard to their interests in a public execution?

The Ven. Archdeacon Bickersteth.

30th May 1856.

I think that public executions do bring an important pecuniary benefit to the occupiers of beer-shops and public-houses.

70. Earl of *Harrowby.*] What steps did you take for making the subject of that petition known to the people of Aylesbury?
I sent it round to the principal inhabitants, having had copies of it first printed, which I distributed among them.

71. Lord *St. Leonards.*] Were they left in the shop windows?
They were not.

72. Earl of *Harrowby.*] Were those 60 signatures the signatures of persons of any particular condition of life in Aylesbury?
I may say they included all the most respectable inhabitants of the town.

73. Viscount *Dungannon.*] Were there any magistrates among them?
Yes.

74. Lord *St. Leonards.*] Whereabouts does an execution take place at Aylesbury?
At Aylesbury executions take place happily a little out of the town.

75. Viscount *Dungannon.*] It is at the new gaol, is not it, which is moved from its original position?
Yes. I have mentioned that two executions have taken place within the last 10 years. I see that the execution before that of Moses Hatto took place in 1845; the next was in 1853.

76. Lord *Redesdale.*] What circumstances particularly took place at the execution of Hatto which induced you to draw up that petition?
I have had a strong impression upon my own mind as to the evils of public executions ever since that remarkable case of Josiah Misters at Shrewsbury in 1841. All my impressions were revived by the case of Moses Hatto.

77. Bishop of *St. David's.*] By what you actually observed of the state of the population of Aylesbury?
All the evils I mentioned before, prevailed in an equal degree at Aylesbury, drunkenness and debauchery of every kind.

78. Was the execution of Hatto for murder?
Yes. I may mention that at the time my petition was being signed, there was another petition being signed against all capital punishment whatsoever, and I think that the cause of what I may call the partial success of my petition was, that people mistook the one for the other. I was told afterwards they did not understand it. Farmers, for example, who came to the town, and some of whom were asked to sign it, objected, because they said they did not wish to see capital punishments abolished.

79. Lord *Somerhill.*] Hatto, I believe, was a farm servant, was not he?
He was a groom in a farm-house.

80. At any distance from Aylesbury?
Yes, more than 20 miles from Aylesbury.

81. Have you reason to know that many persons from that neighbourhood came to Aylesbury to witness the execution?
A great many came from the neighbourhood where the murder was committed.

82. Have you had any opportunity of knowing what impression has been left upon their minds as to Hatto's memory or fate; do they think his fate was a horrible fate, or do you believe that any more favourable impression as regards him remains upon their minds?
In that case, as far as my knowledge reached, there was a very strong feeling of what I must call revenge excited; persons came from the neighbourhood who were connected or acquainted with the murdered woman, and I am told that under the scaffold they used strong expressions, very much allied to revenge.

83. You would infer from that, that they considered his punishment just, and that he met with the fate he deserved?
Quite so; there was no doubt as to that.

84. *Chairman.*]

84. *Chairman.*] Did you mean, by using the word revenge, to mark, not a calm satisfaction with the execution of a just judgment, but a personal satisfaction at the fate of the murderer?

Yes.

85. Viscount *Dungannon.*] Were those the relatives of the murdered woman?

I was told that some of them were. I have here a letter from the chaplain of the Aylesbury gaol, which I beg permission to read. I had an opportunity of conversing with him upon this particular case, and he writes me this: "Dear Mr. Archdeacon,—As you desire to know what is my opinion respecting the effect produced by the execution of a criminal upon the voluntary spectators of it, I beg to state that I consider the effect to be generally very demoralizing, though there may doubtless be exceptional cases where it is wholesome and deterring. I have only once, in the exercise of my office, had to attend a criminal left for execution, and I then observed that the breathless silence which had prevailed during the short time intervening between the culprit's appearing on the scaffold and the moment of his death was immediately afterwards followed, as it had also been preceded, by the most incongruous sounds of low jesting and indecent ribaldry. The brief silence alluded to originates, I think, in the morbid curiosity of the crowd to catch the expected words of the hero of the moment. It having occurred to me during my intercourse with criminals that a disproportionate number of them seemed to have resorted to witness executions, I have to-day made it my business to question all the prisoners here under sentence of six months and upwards upon that point, and the result has remarkably confirmed my impression; for I find that the great majority of those of them who have had the opportunity, and amongst them all the worst characters in the prison, have frequented executions. So also, only a few months previously to his own execution, had the unhappy man whom I attended to the scaffold; and it became a subject of deep regret and bitter remorse to him that he had gone to it as to a holiday fair, and had returned from it without perceiving any warning. Being convinced that public executions have an evil tendency on the spectators of them, I also think it would not be difficult for the wisdom of Parliament to devise a scheme, the principle of which should be to substitute partial for complete publicity, and which would at once be satisfactory to the public mind and conservative of the public morals. I am, dear Mr. Archdeacon, very faithfully yours, G. A. Cuxson, chaplain."

86. Marquess of *Salisbury.*] Did Mr. Cuxson state to you the effect upon the prisoners of what is called the condemned sermon?

I do not remember anything in connexion with this particular case. I have heard of the effect produced by it upon other persons. I think the effect was certainly salutary.

87. Was any effect produced upon the other prisoners by bringing forward the culprit in the manner in which he is brought forward during the condemned sermon?

I am not aware of any direct effect.

88. Viscount *Dungannon.*] Do you think that any good effect would be produced upon the prisoners themselves who are suffering any lengthened imprisonment, or under sentence of penal servitude, by witnessing the execution?

On the contrary, I think a much greater effect would be produced by their knowing that the punishment was taking place, not being themselves actually spectators. In fact, I asked the question particularly, what course was taken with the prisoners in Aylesbury gaol on the day of execution; and I understood that the day was marked by their being left entirely to themselves, without the means of manual labour; their various employments were suspended for that day, so that they had nothing but their own reflections to employ them. The chaplain has told me that they remember it to this day as the day on which they had no employment.

89. Lord *Redesdale.*] Do they consider it as a holiday, or the reverse?

No, they look back to it evidently with a feeling of pain and uneasiness.

The Ven. Archdeacon Bickersteth.

30th May 1856.

90. *Lord Privy Seal.*] It is a great punishment, is not it, to persons who are separately confined to be deprived of employment?
Very great, I believe.

91. Lord *Somerhill.*] Have you considered this question of public executions rather deeply?
I must say I have considered it very deeply.

92. You are aware that in what, speaking generally, one may call all history, it has been usual to execute great criminals before the public, with, as far as one can judge, the general idea prevailing in all Governments that such a spectacle excited a wholesome terror in the mass of the people?
I am aware that that is the case.

93. Do you consider that to have been in all times an error of judgment as to the effects produced by such an exhibition; or do you think there are circumstances in the present day which have so changed the public mind as to make the effect different now from what it would have been in past times?
I think the two causes would operate; I think no doubt the change which has taken place in society generally would be one strong reason for an alteration of the law; and I also think that in all times it has been an error to make the taking away of life a public exhibition.

94. Do you attribute to any particular progress or change in society at the present day the alteration of the different effect which you allude to; or does it arise merely from the circumstances of the country?
I think that it was a kind of preaching of a rude morality which was adapted to a less educated age than the present.

95. Would the objections you have expressed to public executions in this country extend to all countries?
I do not know but that there are particular circumstances which might lead one to modify one's opinion as to different countries; I think that the principle of public executions is bad, judging from my own practical experience of them.

96. *Chairman.*] Are the Committee to understand that you think it is always more or less undesirable to make the taking away of life a matter of public exhibition as a spectacle; but that in some states of society the evil is aggravated, and the good gained by it lessened?
That exactly expresses my view.

97. Marquess of *Salisbury.*] Do you think capital punishment, whether public or private, does tend materially to deter from crime?
I have no doubt as to the tendency of capital punishment to deter from crime. I should confine that observation to capital punishment for murder; for I do not believe that capital punishment would tend to deter from crime if it were extended to many other offences besides murder.

98. Lord *Bruce.*] I wish to call your attention to what took place at Paris at the time when the Duc de Praslin was condemned to death for the murder of his wife. He was enabled in some manner or other to poison himself; do you imagine that if executions were private, even though the corpse were afterwards exhibited, as you propose, you could ever make people believe, in the case of a man of education who had been condemned to death, that he had not been permitted to poison himself, or bring about his death in some less painful manner than a public execution would imply?
I think the public would be very much indisposed to believe it, unless there was a certain panel of chosen witnesses to testify that he died in the way appointed by the law.

99. The impression there was, that it was a favour shown to him, because he was a man of family and education?
Yes.

100. Viscount *Dungannon.*] Was your attention first directed to the subject of public executions in consequence of what occurred at the execution of Misters?
I remember being struck at a much earlier period with the ill effect of executions,

executions, in the case of William Corder. I was then a boy; but I recollect that at that time my father was incumbent of a parish in Suffolk, not very far from where the murder was committed; and I remember perfectly well his warning the people against going to the public execution. I remember as a boy the very low and improper remarks made by the common people with regard to the execution.

The Ven. Archdeacon Bickersteth.

30th May 1856.

101. Lord *Somerhill.*] Do you mean in the country or in the town?
This was in a country village.

102. Lord *Redesdale.*] What sort of remarks were those which you refer to?
I do not recollect the particular remarks; but nothing of either a deterring character or of a moral character.

103. Appearing rather to make light of the event?
Quite so.

104. Viscount *Dungannon.*] What you saw at the time of the execution of Misters would therefore confirm you in your original impressions?
Yes; and they were still further confirmed by what I saw in the case of Moses Hatto.

105. Lord *Redesdale.*] Do you think that the people who go to see an execution are more disposed to think hanging a light punishment after witnessing the execution than they were before?
I can only state this: in the case of the execution which took place at Bury St. Edmunds, of a woman who had murdered her husband, six or seven years ago, a young man of the parish, who returned from the execution, was overheard to say, "Dear me, I should not care about being hanged myself, if that is all."

106. Lord *Somerhill.*] Do you think that anything like a procession, such as used to take place, or any graver solemnities than those which now attend an execution, would have a good effect upon the multitude?
I think it would be an improvement.

107. *Chairman.*] Is there anything which you wish to add to your evidence?
In general words, I would merely say that, in the first place, I am perfectly convinced that public executions have a demoralizing tendency rather than a salutary effect upon the people, and that I state from my own personal observation. In the next place, I think they really are a great disadvantage to the respectable inhabitants of the assize towns, who always look with apprehension to the day of an execution. And, in the third place, as they are now performed, they deprive the clergy of the opportunity which they naturally desire of improving the occasion for the good of their parishioners. I would suggest that executions should take place, before proper witnesses, within the walls of the prison, with all the circumstances of solemnity which could be given to them, such as a black flag hoisted over the gaol, the tolling of a bell, &c. I would suggest that the churches might be opened; there might be a service at the time, and perhaps a prayer for the criminal, and a sermon suitable to the occasion preached, so as to give the day more of the character of a day of humiliation than it has at present, when it is a mere day of merriment and disorder.

108. *Lord Privy Seal.*] The rarity of executions, they being now confined to the single crime of murder, would enable such peculiar circumstances to be more easily carried out than when executions were more frequent?
I think so.

109. Do you think a certain mystery and uncertainty about the actual extinction of life creates greater solemnity upon the mind than the public witnessing of the act?
I think so.

110. You think the witnessing of the act has the effect either of hardening, on the one hand, or of creating sympathy, on the other?
Or, perhaps, the gratifying of a revengeful feeling.

111. Gratifying a vindictive feeling, when the passions of classes or families have been excited?
Yes.

The Ven. Archdeacon Bickersteth.

30th May 1856.

112. Viscount *Dungannon.*] You think the observance of such an event, in a place where a similar thing had not occurred for several years, would leave behind it such an impression as could not fail to strike awe into the public mind?

I have no doubt that it might be made most beneficial.

113. You consider that the present system, and the public exhibition which takes place, tends rather to harden than to produce any good moral effect, or to strike any terror into the mind?

I have not the slightest doubt that it is so.

114. Lord *Somerhill.*] Do not you suppose that the yells of execration, or such a demonstration as I understand you to say was exhibited at the execution of Hatto, would have the effect of impressing young persons especially with an additional abhorrence of the crime which had been committed. There appears to have been no sympathy with the criminal in that case?

It is possible that might be the case in some instances, but I think it is a kind of preaching of morality which is not suited to our day.

115. *Chairman.*] Would you so far assimilate it to the use of the pillory?

Very much indeed.

116. Viscount *Dungannon.*] Misters's was a case which excited a great deal of interest, was it not?

It was.

117. And there was some sympathy for the criminal, was not there?

There was an impression amongst some persons that he was unjustly condemned.

118. Lord *Somerhill.*] Then it was not sympathy for the crime, but doubt whether he was the man who committed it, which gave rise to the feeling you describe?

As far as it prevailed, I think it was.

119. Lord *Lyttelton.*] Do you consider, assuming that perfect certainty can be produced upon the public mind that the execution has taken place, the whole object which is answered by the execution being public would be attained?

I think so.

120. Viscount *Dungannon.*] You think the hoisting of a black flag on the gaol, which should be emblematical of what was going on, and the day being observed as a day of solemnity, would have the best moral effect?

Yes, I would make it known what was the hour at which the execution was to take place.

121. Lord *Lyttelton.*] You have spoken of two cases, one at Shrewsbury and the other at Aylesbury, at each of which times you observed what took place among the people to whom you had access; have you been in the habit at intervals between those occurrences of carrying on your inquiries?

I have not pursued any definite system of inquiry, but I have frequently in conversation inquired from others, and though there has been certainly a mixture of opinion, yet I should say the prevailing opinion concurs with my own.

122. Viscount *Dungannon.*] I believe the sympathy for Misters arose more out of the question, whether there was sufficient legal evidence to have convicted him than from any moral doubt as to his guilt; was not that the case?

I think it was.

123. Had you any communication at the time with Mr. Winstone, who was then the chaplain of Shrewsbury gaol?

Yes, I remember asking him his own opinion.

124. Had he any opinions relative to the effect of the publicity of executions?

I think his opinion concurred with my own as to the evil tendency of the present system.

The Witness is directed to withdraw.

Colonel

Colonel JOHN LE COUTEUR is called in, and examined as follows:

Colonel John Le Couteur.

30th May 1856.

125. *Chairman.*] I BELIEVE you are Vicomte, or High Sheriff of the Isle of Jersey?
I am.

126. In that capacity, is it part of the duty of your office to see any criminal who may be condemned to death executed?
It is.

127. Have you, in point of fact, had that painful duty to discharge?
No. Since 1842 there has been no execution.

128. Since you have been resident there, have you had an opportunity of observing the effect of public executions?
A great many years ago I witnessed an execution; but in the course of my duty as sheriff, I was rather anxious that executions should not take place in the public manner in which I had once seen them take place. Executions formerly took place on the Gallows Hill, which is a very conspicuous spot, overlooking the town; and from there the execution could be seen by almost the whole population of the island, and it was made a spectacle and a sight of, producing that effect upon the minds of the people which I considered an execution should not have. In consequence, I wrote to the Secretary of State, to request him, should an execution take place, to allow it to take place within the walls of the prison, on the ground that it would have a greater moral effect than if made a public spectacle of.

129. Was not there a female under sentence of death at that time?
I wrote in anticipation of an execution taking place. The woman your Lordship refers to was found guilty of manslaughter.

130. Bishop of *St. David's.*] In point of fact, you have not witnessed any public executions since you have been in your present office?
No execution whatever.

131. Lord *Lyttelton.*] Did the Secretary of State give his consent that the execution should take place within the walls of the prison?
Yes, provided it overlooked some public street. It was to prevent the necessity of the procession. The prison was at some distance from the Gallows Hill, and the procession was a public spectacle.

132. It would not have prevented the publicity of the execution?
No.

133. *Chairman.*] Was that application grounded upon your belief that the publicity of the execution had made it a spectacle rather than a solemn and impressive event?
Yes; it took away from its solemnity. Indeed my own impression was, that if it could have taken place in the presence of the officials and of the prisoners, it would have been sufficiently public.

134. Bishop of *St. David's.*] Still it was not your request to the Secretary of State that it should be conducted in that manner?
I am not sure.

135. Lord *Somerhill.*] Have you the correspondence which took place upon that occasion?
No; it is in Jersey; I speak only from memory.

136. Lord *Redesdale.*] After all, the correspondence amounted only to this: you asked to be allowed to hang elsewhere than on Gallows Hill, but still that the execution should be public?
It was to be within the walls of the prison.

137. Lord *Somerhill.*] Did not you say that you expressed the opinion to the Secretary of State, that if the officials and the prisoners only could be present, that would be sufficient?

Colonel John Le Couteur.

30th May 1856.

I know I expressed that to the Prison Board. Whether I expressed it to the Secretary of State, I am not sure.

138. Bishop of *St. David's.*] What you principally wanted was to get rid of the procession?

Yes, and the publicity to that extent, with a view not to bring the whole of the population of the island to the town.

139. Lord *Somerhill.*] Has any execution taken place within the walls of the prison?

No.

140. Lord *Redesdale.*] Were you ever present at a public execution in Jersey?

Yes.

141. How long ago was that?

I should think 15 or 20 years ago. I was so far present, that I only saw it through a spy-glass. I was not near the spot.

142. On what do you found your opinion against the expediency of public executions?

During the last American war, I was present at several military executions. I have seen as many as five men at a time shot for desertion. The subject was a good deal discussed in the regiment, as to the expediency of shooting so many of those young men. We imagined that that sort of public execution did not deter the men from deserting; that it had not a deterring effect upon their minds; it rather screwed them to the sticking point, and they generally behaved with a great deal of coolness and composure, and met their deaths without, apparently, much alarm or awe. We fancied the effect was lost. Then it was reported that the American general, on the other hand, put an end to desertion by having a drum-head court martial, and stringing the deserter up to the first tree.

143. That was done in public?

Yes; in one instance it had the moral effect of degradation, and in the other case it was viewed as a grand military death.

144. In short, you think hanging is a punishment which tends more to prevent desertion than shooting?

Yes; in that summary manner the soldier was exceedingly disgusted at being strung up to a tree and left there to hang; whereas the other mode of punishment was in accordance with his profession.

145. Bishop of *St. David's.*] The one would be considered as a less disgraceful punishment than the other?

Yes.

146. Have you ever been in the habit of witnessing any except military executions?

I think not.

147. Have those military executions which you have witnessed been for any other crime than desertion?

Only for desertion.

148. Not for plunder?

No.

149. It is not uncommon, is it, for men to be shot for plunder in time of war?

That is done by the order of the provost-marshal, and the men are generally hung. The military impression is, that hanging is a much more disgraceful punishment than shooting.

150. Bishop of *St. David's.*] The Secretary of State would have a power in Jersey to regulate the mode of execution, which he would not have in England, would not he?

To this extent: since the formation of the Prison Board, an Order in Council has

has provided that the Secretary of State shall have the power to confirm bye-laws made by the Prison Board.

151. Marquess of *Salisbury.*] The Secretary of State, in the instance you just now referred to, merely expressed an opinion that the sentence might take place in one place instead of the other?
Yes.

152. Viscount *Dungannon.*] Both equally public?
Yes; both equally public.

153. Lord *Lyttelton.*] Do you apprehend that the Secretary of State would have the power to order a private execution?
I am not quite clear upon that point. I see no reason why the Secretary of State should not have written to the effect that the execution might take place within the walls of the prison, in the presence of all the authorities.

154. Lord *Somerhill.*] Not of the public?
Not of the public, commonly so called.

155. *Chairman.*] Was not your request to the Secretary of State of this kind: you begged that any future executions might take place either within the walls of the prison, in the presence of a certain number of officials and all the prisoners, its inmates, or just outside its walls?
I think it was so; but as I am speaking from memory, I am not quite sure; it is a good many years ago.

156. That is your impression?
Yes; I am quite sure that that was my impression in communicating with the Prison Board.

157. And your impression is, that the answer was an assent to your request?
Provided it took place looking towards one of the streets.

158. Lord *Somerhill.*] Meaning that it must take place within sight of the public?
Yes.

159. Viscount *Dungannon.*] It was such a place that the public could not have been denied access to it?
Yes; it is a public street.

160. How many years is it since that execution took place?
There was no execution; it may be nine or ten years since the communication took place.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday, 13th June, Two o'clock.

Die Veneris, 13° *Junii* 1856.

LORDS PRESENT:

Marquess of Salisbury.	Lord Bishop of Oxford.
Earl of Shaftesbury.	Lord Bruce.
Earl Stanhope.	Lord St. Leonards.
Viscount Gordon.	

THE LORD BISHOP OF OXFORD in the Chair.

Evidence on Capital Punishments.

Mr. H. Barber.

13th June 1856

Mr. HENRY BARBER is called in, and examined as follows:

161. *Chairman.*] YOU are, I believe, the Governor of Winchester gaol?
I am.

162. Have you in that capacity had an opportunity of observing for yourself the effect of the present mode of carrying into execution capital punishment?
I cannot say that I have had an extended opportunity of forming an accurate opinion from any intercourse with individuals who have fallen under my notice.

163. Have not there been, since you have been Governor of Winchester gaol, some executions there?
Yes.

164. How many?
Two within the last twelvemonth.

165. Therefore, to that extent, you have had an opportunity of observing what took place upon those occasions?
Yes.

166. Were you officially present?
I was.

167. Will you state to the Committee what your observation was upon the subject?
As far as regards the two individuals whom I now refer to, I should say I am not able to convey to the Committee what the effect upon them was, so much as a general opinion what the effect may have been on other individuals who have fallen under my notice in other respects as felons.

168. You think you are better able to express an opinion to the Committee, derived from your habitual intercourse in the course of your duties with felons, than an opinion founded upon the particular circumstances of the executions you witnessed?
That is the case.

169. Will you state to the Committee, from your general observation of felons, what are the conclusions which you have been led to entertain upon this subject?
From the various opportunities I have had of conversing with individuals, I have been led to infer that public executions have anything but a deterring effect.

170. Can you state to the Committee any of the facts upon which that opinion has been formed?
I cannot

Mr. H. Barber.

13th June 1856.

I cannot give the Committee any facts: having been called on to come up without a direct knowledge of the questions I was going to be asked, or even what Committee I was to attend, I have not been able to tax my recollection upon the subject.

171. Will you state to the Committee, as far as you are able, the grounds upon which your opinion is formed, that public executions do not deter from crime?

From the opportunities I have had of conversing with individuals, and testing them as to the deterring effects upon the minds of themselves, as well as of the public, independently of the persons who have come immediately under my care, I should say it has caused rather a morbid feeling than a deterring influence in the minds of both classes of individuals.

172. What do you mean by a "morbid feeling?"

A feeling of indifference as to the effect of the public exhibition.

173. Your opinion is, that the sight of the exhibition, as you term it, tends to weaken the dread of the last penalty of death in the minds of felons?

Most assuredly.

174. Are you able, from your intercourse with persons of that class, to give any opinion to the Committee of what would be the effect, according to your impression, if the penalty of death were not carried publicly into effect?

I should be disposed to give a most decided opinion that the law being carried out in private would have a much more deterring effect than the present system has; I feel that most conscientiously.

175. You think that the removal of such a spectacle from the eyes of men of the class you speak of would make the penalty itself more awful instead of less awful?

Yes.

176. Lord *St. Leonards.*] How would you ascertain what effect private executions have: you say, supposing private executions were substituted for public executions, you think it would be a beneficial measure?

Yes.

177. In that case how would you propose to ascertain what effect they produced?

I am scarcely able to give an opinion upon that.

178. *Chairman.*] If executions were carried on within the prison walls, and in the presence of certain appointed witnesses, do you think there would be any difficulty in making people believe that the sentence had really been carried out.

I have no reason to suppose that there would be any difficulty in that respect.

179. Do you see any difficulty in providing such appointed witnesses who should give their testimony on the subject?

No; I think quite the contrary.

180. What class of persons would you suggest as being the best witnesses of an execution, if it was carried on in comparative privacy?

As far as my opinion goes, I should say respectable tradesmen, or persons of that class selected from the county.

181. You would impannel them for the purpose?

Yes, I would impannel them upon the same system as that on which petty juries or grand juries at the sessions are impannelled.

182. And they should be present at the execution as witnesses to its having been carried into effect?

Yes.

183. From your knowledge of prisoners and of the criminal classes, do you believe that that would be quite sufficient to remove all danger of their thinking that the sentence of the law had not been carried into effect?

Quite so. I do not see the slightest difficulty in its being carried out, not only to the satisfaction of the classes who generally constitute the lookers-on on those occasions, but the community at large.

184. Are

184. Are you able to say what effect is produced upon felons in prison by witnessing an execution?

I think there is not a deterring effect generally; not in the majority of cases. An anxiety generally prevails to see those executions, and for that purpose, in the new prison, as it is constituted to carry out the present law, I always take an opportunity of removing them from that side of the prison where they would have an opportunity of seeing what was going on.

185. The Committee are to understand that, practically, at Winchester you have removed the felons in the prison from the sight of the execution, under the belief that the sight of it exercised a bad effect upon their minds?

Yes, I always take an opportunity of removing them, so that they cannot see it carried out.

186. And that because experience has led you to believe that the sight, by familiarizing them with the last sentence of the law, tends to make it less terrible to them?

Yes, less deterring in its effect.

187. Lord *St. Leonards.*] Is there any particular instance which you can give to the Committee upon which you found that belief?

Since knowing the purpose for which I was called, I have endeavoured to search my mind for particular instances, but I cannot call individuals to recollection.

188. You have heard of what took place in the recent case, where Calcraft, the hangman, failed in the performance of his functions?

Yes.

189. That was a public execution; but suppose a similar failure took place in private, what would be the effect of that, do you think, upon the public mind?

It would be less likely to be known than it is at present, and the cause of the failure, viz., the fear of the executioner, would be removed.

190. It could not be concealed, of course, but would not it be exaggerated, and would not there be greater alarm excited in the public mind as to what they did not see, than what they did?

I do not apprehend that myself.

191. *Chairman.*] On the occasions of the two public executions at Winchester, will you state to the Committee what the circumstances were which came under your own observation; what were the sort of people who attended the sight, and were they many or few?

There were large assemblies.

192. From the neighbourhood round as well as from the city itself?

Yes; they came from Southampton, which is 12 miles from Winchester.

193. Are you aware whether any special trains ran upon that occasion?

I am not aware that there were; it came to my knowledge that some persons were travelling the whole of the previous night. Our usual day for executions is Saturday, which is the market day; but in the case of the execution of Baker, for the murder at Southampton, it was necessary to postpone it, on account of Calcraft being engaged in the north of England, and it was then altered from the Saturday to the Tuesday following.

194. Lord *St. Leonards.*] Did a great many people come from the place where the murder had taken place?

A great many; there were many persons travelling the whole of Monday night for the purpose of seeing the execution.

195. From the place where the murder took place, you say, they came?

Yes.

196. What should you say was the cause of their doing so?

I can only give as the reason the general desire which prevails among many classes to see the last sentence of the law carried out; with some a feeling of novelty, and others with an expectation of hearing the culprit say something before death.

 197. *Chairman.*]

Mr. H. Barber.

13th June 1856.

197. *Chairman.*] From what you saw of those who were there, is it your impression that they regarded it rather as a spectacle than anything more?
It was more sight-seeing than anything else.

198. Lord *St. Leonards.*] What led you to that conclusion?
I have been led to form that opinion from feelings and expressions I have heard fall from individuals.

199. What appeared to be the sensation at the very moment of the execution; did you observe that?
I cannot say that I did.

200. Not upon either occasion?
No.

201. Was there any exclamation on the part of the assemblage?
None whatever; upon both occasions the greatest order prevailed, more so than I have ever seen before.

202. Was there perfect silence?
Quite that.

203. Earl of *Shaftesbury.*] Would you limit the number of persons who should be admitted into the court to see the execution?
Yes, assuredly.

204. Lord *Bruce.*] Do executions now take place within the court-house?
It is directly over the entrance to the gaol.

205. And you say the execution has usually taken place on the market day?
Yes.

206. Why has the market day usually been fixed upon?
I believe that prevails throughout all counties.

207. Under the impression, probably, that it leads to a large number of persons being present, and that the spectacle will have a deterring effect?
Yes.

208. Supposing that executions were to take place within the court of the gaol, would you then admit a certain portion of the public who arrived early and who stood at the gates, and then admit no more?
That would depend wholly upon the rules and regulations which might be made.

209. Supposing, instead of executions being public, it were determined that they should be of a more private nature; do you think it would be desirable, in the case of your own gaol, for instance, that they should take place within the walls of the prison, admitting to witness them as many as the yard of the prison would hold, so as not to render them quite so private as would be the case if only selected persons were present, but limiting the number who should be present by the extent of the accommodation for them?
That would be possible in the Winchester prison; but much tumult and confusion to obtain an entry would prevail from such a system.

210. Earl of *Shaftesbury.*] Would not that cause a considerable rush of people to gain admittance?
Yes.

211. You would prefer to have a definite number of persons appointed before the day of execution?
I should prefer that.

212. Do you think the public in general would prefer that executions should be public rather than private?
I think so.

213. *Chairman.*] Do you mean that they would feel as if they had lost a sight if executions took place in private?
Yes; I think, generally speaking, there is a great proportion of the individuals who attend executions who regard the day more as a kind of holiday; and in many cases the remainder of the day is spent at the beer-house in idleness and debauchery.

214. Earl

214. Earl of *Shaftesbury.*] Do you think there would be in the public mind any apprehension of possible unfairness as regards the criminal?
Not generally; I have no reason to suppose that it would be so.

215. Lord *St. Leonards.*] You say a number of persons came from Southampton to see the execution of a man who had committed a murder in their own locality; they would not have been satisfied if that execution had taken place privately, would they?
Not as far as regards the gratification of their feelings.

216. *Chairman.*] From your acquaintance, in the discharge of the duties of your office, with what we may call the criminal classes, do you or not apprehend that there would be a suspicion of unfair treatment of a criminal if the execution were carried into effect within the walls of the prison before such appointed witnesses as you have named?
No; I do not think that feeling would prevail if such were the general practice.

217. Earl of *Shaftesbury.*] Have you ever had any conversations with the prisoners in your gaol upon this subject?
I have, upon one or two occasions, but not very recently; I have been governor of the gaol for only seven years, though I had been governor of the bridewell for 24 years.

218. Have you never had any conversation with any of those men who have been under your charge upon the subject of public executions?
I have a recollection of one in particular, but not of recent date.

219. Can you recollect any opinion which they gave to you?
If my memory is not treacherous, I have a recollection that upon that occasion I put the question to the individual, what had been the effect which seeing a public execution had upon his mind; and I think his observation was, that had not it been for first seeing a sight of that kind, he should not have been in the position in which he was.

220. Did he tell you how it acted upon his mind to induce him to commit a crime?
By his retiring to a public-house with others, and talking over the sight he had seen, which led him to think the punishment was less dreadful than he before imagined.

221. Lord *St. Leonards.*] Do you happen to know what the feeling of the felon himself is: two men, you say, have been executed at Winchester within the last year; do you know what the notion of either of them was with regard to a public execution?
No; I did not enter upon the subject with either of them.

222. Do you know if there was any dread of facing the public?
In the case of Jones there was any thing but that.

223. Lord *Bruce.*] Do you think, in a case where the prisoner to be executed was of a superior class, if the persons selected for going into the gaol to a private execution to see that execution performed were also of a superior class, such as grand jurymen, and so on, the great majority of the common people would ever believe that the man was executed, there being none of their own class present to see it?
I do not think that there would be a disposition to dispute the fact of the sentence being carried out, generally speaking.

224. Earl *Stanhope.*] With respect to the jury or others whose attendance you contemplate at an execution in private, would you make that attendance permissive or compulsory?
Compulsory.

225. Therefore you would propose some penalty in the event of their declining to attend?
I am not prepared to give any opinion upon that particular subject.

226. Lord *St. Leonards.*] Would it be part of your scheme, in the case of a private execution, to exhibit the body publicly afterwards, upon a gibbet, or otherwise?
Not publicly.

Mr. H. Barber.

13th June 1856.

227. Would you have the body delivered over to the friends, or buried in the precincts of the prison?

The body being delivered to the friends may be one means of removing any doubt as to the penalty of the law having been carried out; but still open to strong objections, viz., exposing the body for pecuniary advantage, or with a view to excite public sympathy.

228. Does not it strike you that delivering the body over to the friends, and allowing them to bury it, would be a great relaxation of the punishment as it now exists?

That does not present itself to my mind.

229. *Chairman.*] Have you considered at all the mode of carrying capital punishment into effect, whether by the gibbet or otherwise?

I have not.

The Witness is directed to withdraw.

Mr. C. G. Hodgson.

Mr. CHARLES GEORGE HODGSON is called in, and examined as follows:

230. YOU are connected with the City of London Police?

I am the Superintendent of that Force.

231. In the exercise of your duty in that capacity, have you been able to form any opinion upon the moral effect produced by the public manner in which capital punishment is carried out in this country?

I have.

232. Will you state to the Committee what your opinion is, and the grounds of it?

I am of opinion, from what I have witnessed, that a public execution hardens the feelings of those who see it. I have felt that effect upon my own mind. I have seen about 20 executions during the last 17 years. In the first instance, I found that it dwelt upon my mind—there was a dread attending it, which gradually diminished with each execution, till I looked upon it almost with indifference—at least as nearly so as such a horrible spectacle could be regarded with.

233. Do you think, from your intercourse first of all with criminals, you can trace any effect, and if any, has it been good or bad, from their having witnessed public executions?

I can only speak generally in that respect; I should judge in some measure from what I see of the conduct of the spectators at the time.

234. Will you state to the Committee anything you have noticed of that kind?

All kinds of levity, jeering, laughing, hooting, whistling, even at the moment the man is coming up. While he is still suffering—while he is struggling, and his body writhing, there is all this noise going on—obscene expressions—anything but the impression which people might imagine would be caused by the spectacle.

235. Is the Committee to understand that your impression is that the sight of a capital execution diminishes the awfulness of its effect upon that class?

It is, clearly.

236. Earl of *Shaftesbury.*] Would you say that that was the conduct and bearing of the majority of the people present?

Most decidedly.

237. Lord *Bruce.*] Are not the majority of the persons present generally of the very lowest class?

They are.

238. Earl of *Shaftesbury.*] Would you apply that to the people who are looking out of the windows, and from the house-tops?

No; but they would not be the majority; they are generally of a more respectable

respectable class; mere curiosity brings them there; while the others, who form the mass of the people present, seem positively to enjoy the sight.

239. *Chairman.*] Are the Committee to understand that your belief is that the classes who mainly need to be deterred from crime are led to regard with less apprehension the punishment of crime by the publicity of the execution?
I think it has that effect upon them.

240. That opinion you have formed from your observation on this subject. Will you state to the Committee what you think would be the effect if the last sentence of the law were carried into execution before certain appointed witnesses at a fixed time within the prison, instead of being seen by the mass of people outside?
I think it would have an equal effect in deterring, and would not be open to the objection which the public exhibition of it is.

241. If it were known to those who might be congregated around, by the tolling of a bell, or some external signals, such as raising a black flag, that at that moment the man was dying, is it your impression that the effect upon them would be more or less awful?
More awful.

242. You think that their attention would not be so much drawn away as it is now by the spectacle?
No, they would reflect more upon what was going forward, and it would be attended with a better effect.

243. Do you think there would be any danger of their disbelieving the fact of the execution having taken place?
Not if ordinary precaution, such as the admission of the press, or the jury, or any other persons whose testimony the public could not doubt, were taken.

244. Would you, or would you not, be disposed to give the body back to the relations afterwards?
If certified by the surgeon to be dead, I should see no objection; there would be no object in retaining the body, unless, perhaps, to prevent the possibility of its being publicly exhibited by the relatives.

245. Would not it diminish the horror of a public execution a good deal if the relations were permitted to receive back the body, and bury it decently afterwards, instead of its being buried in the prison with ignominy?
I should rather fear that they would be inclined to exhibit it.

246. You would not probably, therefore, recommend that the body should be given up to the relatives, nor think it necessary?
No; upon consideration, I do not think it would be expedient to give up the body.

247. Do you think there would be, practically, any difficulty in carrying out executions in that way by admitting the jury or some other appointed witnesses?
No, or even the inmates of the prison might witness it. They do not see executions at present. I speak for London, at all events.

248. Have you ever considered the question whether our mode of executing the last sentence of the law by hanging on the gibbet is the best mode of carrying out so dreadful a punishment?
I think it is not.

249. What would you suggest?
I have witnessed in Spain the execution by the garotte; it was not only effective, but it deprived the individuals of sensation immediately.

250. Have you seen many of those executions?
Only two.

251. Lord *St. Leonards.*] Is not the shock very great upon the spectators?
I think not; one consequence, namely, the heaving and struggling of the man who is hanged, is avoided; in those two cases there was a slight quiver, but nothing more: the criminal is fastened back to a post having a seat to it, and you could scarcely see it, even if there was a disposition to move: there

Mr. C. G. Hodgson.

13th June 1856.

was certainly less of a disgusting character about the execution, and the death was instantaneous.

252. *Chairman.*] Are you aware whether it is not a much more certain mode of producing instantaneous death than the gibbet?

I judge so, for this reason: within a very short time, certainly not more than a few minutes, the cap was removed from the face of each, and they were perfectly dead; the face had all the placid quiet appearance of having been dead for an hour, and was not distorted in the way you would imagine.

253. Lord *St. Leonards.*] Do you think that the introduction of any new mode of capital punishment would be favourably received?

I do not think it would if you shed blood; but if you put criminals to death by a quicker mode, I think it would be favourably received.

254. *Chairman.*] Is not the punishment of death by the gallows very uncertain in its mode of operation?

As to the length of time it takes to destroy life, it is.

255. Depending very much upon the weight of the body, and upon the accident of the mode in which it falls?

The method of falling should be secured if the executioner does his duty; but the weight of the body will have a great effect, and the state of the man at the time; if he can stand up so as to have a greater fall, and the rope has a long bend, the jerk will almost always have its effect more quickly than where the man is short, and the rope consequently has a less fall.

256. Have you seen many instances of executions?

Eighteen or twenty.

257. Has not there been a great variation in the length of time the individual has survived the fall?

Extending to many minutes; the last one was far longer than any I had before seen.

258. Lord *St. Leonards.*] That was where there was a failure, was not it?

Yes.

259. *Chairman.*] In your judgment, the introduction of the garotte would be a much more humane mode of taking away life than the present?

I think so, and I think it would be well received by the public, judging from the expressions I have heard at executions.

260. Lord *St. Leonards.*] I think I understand you, that the first public execution you witnessed had a very powerful effect upon you?

It had.

261. But in the course of time, as you saw more and more of them, the effect was lessened very much?

It was.

262. As it would be, probably, in the case of anything else you might see and become familiar with?

No doubt.

263. In the case of a man who was executed at Winchester, we hear that a great many people came up from Southampton, the place of the murder, to Winchester, to witness the execution; what would be the effect upon them, do you think?

The effect would be strong, no doubt.

264. And would remain with them?

Yes; but I believe it would be equally strong if they knew only of the death.

265. It is suggested that there should be a black flag hoisted; if men become familiar with death itself and all its horrors, do you think a black flag, after a few times of seeing it, would have the slightest effect?

I think it would add a little to the effect, as would the tolling of a bell, and so on, but not much.

266. Did you ever live near a place where a bell was frequently tolled?

Yes.

267. You probably were not aware, after a time, when it was being tolled? One gets accustomed to such things, no doubt.

268. *Chairman.*] Are the Committee to understand that, in your opinion, the sight of the death rather withdraws people's thoughts from the awfulness of the sudden ceasing of life than increases their sense of its awfulness?
I would say so; but I will add to it, that I believe the greater part of those people who go there have not those sensitive feelings which would render them much impressed with a sight of that sort; they go as they would to a theatre, or the exhibition of a bull-fight, or anything where there was excitement; we observe that we have pretty nearly the same faces, or many of the same faces, near the scaffold on each occasion.

269. Earl of *Shaftesbury.*] Have you ever mingled with the crowd upon those occasions?
I have.

270. Do not you think a good deal of the levity and cat-calling, and conduct of that kind, is assumed: is not it put on for the occasion?
There is an amount of it which is, no doubt.

271. Are not you of opinion that, notwithstanding all that apparent levity, there, nevertheless, is a deep impression of horror on the minds of a great many?
No doubt; but I believe those proceedings have an effect in keeping up the spirits of the others, and the occasion becomes less impressive.

272. Lord *St. Leonards.*] Have you observed at the moment of the execution what the general demeanor of the assemblage has been?
There would be, with the majority of them, an anxiety and curiosity to see how the man will behave, or to see the length of time he will be dying; to hear whether he will make any assertion on the scaffold; and an eagerness not to avoid the sight, but trying to force themselves before those on the right and the left.

273. They are anxious to see that which has attracted them to the spot?
Precisely.

274. *Chairman.*] To get the best view of the spectacle?
Yes.

275. Lord *St. Leonards.*] Have you ever observed any of the relatives, or those who took a deep interest in the man who has been executed, present?
I know that on one occasion the brother of the man who was executed was present; it was in the case of Sale, who murdered Mr. Bellchambers. The brother was driving about near Ludgate-hill, on his ordinary business, and he requested a policeman to let his cart stop at the bottom of the lane, while he went up and saw his brother hung; he returned from seeing him hung, and went about his ordinary business.

276. Did you happen to see the man after that?
No, I did not see him; I was informed that this took place.

277. Earl of *Shaftesbury.*] Are there any circumstances in which you would give back the body to the relatives?
I know in many instances the relatives are most anxious to have it; and if there were no objection to it, it would be felt as a great consolation by those who have committed no crime, but have suffered through the crime of their relative, to get the body; but I should be afraid of their exhibiting it.

278. Do not you think that the certainty that the body will be kept from the relatives, and interred within the prison walls, has a very considerable effect upon the minds of the family, and even upon the prisoner himself?
I think he dwells upon it less than upon being deprived of life.

279. It is one of the elements in his consideration?
It might be; it is by the family it is most felt.

280. Is not it constantly the case, that a family will exercise a species of

Mr. C. G. Hodgson.

13th June 1856.

influence over the minds of their relative, with a view to deter him from crime?

I should scarcely believe that.

281. Cases sometimes occur, in which a great criminal has the sympathies of a very considerable portion of those vast assemblages which you have been describing; would not there be great hazard, if the bodies of such criminals were given up to the relatives, that there would be a kind of public funeral, attended by those mobs, with funeral harangues over the grave?

It might be so. I should be more afraid of the exhibition of the body.

282. Lord *St. Leonards.*] Have you ever heard of the case of Eliza Fenning, who poisoned the family of her master; did you ever hear what took place with respect to her body, and its public exhibition?

No.

283. *Chairman.*] Do you think that the public executions of women are in any sense more objectionable than those of men?

I do not think so.

284. Have you seen any executions of women?

Two.

285. Were they atrocious cases, so that the strong feelings of the mob would be against the criminals?

There was no strong feeling in either case. One was the case of a woman who murdered the landlady of the house she lived in. I do not remember the particulars of the other case.

286. You would not recommend that any difference should be made between the mode of putting a woman to death and a man?

No.

The Witness is directed to withdraw.

Mr. Adam Sparry.

Mr. ADAM SPARRY is called in, and examined as follows:

287. *Chairman.*] WILL you inform the Committee what your office is?

I am inspector of the reserve in the City of London Police.

288. Has it been your duty to be present at any public executions?

Nearly all which have taken place within the last 18 years.

289. Do you remember at how many you have been present?

I think about 16.

290. Have you observed what the effect of them has been upon those who have been present?

I always fancied it had the effect of hardening those who were already tainted with crime.

291. From what did you draw that conclusion?

From the pleasure they seemed to derive from the spectacle.

292. You saw no appearance of any awe-struck feeling?

Quite the contrary.

293. Will you describe what you did see?

I saw them pressing forward to get a good sight, and keeping their eyes upon the object the whole time, from the time the man was dropped, till he was cut down.

294. Have you noticed anything else besides earnestness to see the spectacle?

I never saw any kind of awe manifested.

295. Have you observed the contrary?

It seemed to afford them great pleasure. There might be some few persons of

of a better class, who might be more struck; but persons idling about street, outcasts, and young persons, really seemed to derive great pleasure from it.

296. Have you seen anything which enabled you to judge whether there was levity of feeling at the time among the spectators?
I always thought there was great levity.

297. During an execution, is there silence kept by the crowd?
Sometimes there is a buzzing; especially when the executioner appears, there is a great deal of noise.

298. Is there anything like a shudder among them when the man is turned off?
I have heard females occasionally scream; nothing more than that.

299. Among the mass of the crowd, what is the impression?
They do not seem to be struck with any particular awe at the sight, except when anything has occurred, such as occurred on the last occasion; the man struggled very much at the last execution which took place, and the people seemed very much dissatisfied; but I thought that was more in consequence of the manner in which the man was executed.

300. Lord *St. Leonards.*] Did they express their displeasure at the execution not being well performed?
I fancy that was the meaning of it.

301. *Chairman.*] Is there hooting and whistling, and noises of that kind?
Yes, that is the way they express themselves.

302. That is commonly the case at an execution, is it?
Only on such occasions; when the executioner comes up to take the body down, for instance, I have generally thought it was more at the executioner than the culprit himself.

303. Is there anything like a feeling of animosity against the executioner?
That is the conclusion which I came to.

304. Have you, yourself, talked with criminals about the public executions they had seen?
I never did; I never made any remark to them about it, nor have I had any remarks made to me on the subject.

305. Have you any opinion as to what the effect would be if the executions were conducted inside the prison walls, before a jury, instead of being conducted outside as a public spectacle?
I cannot tell what the effect would be; I have always been of opinion that they ought not to be public; and I have been more strongly impressed with that the more I have seen of public executions.

306. Earl of *Shaftesbury.*] Have you any means of stating what is the general opinion upon the subject, as to whether private executions would be preferable to public executions?
I cannot state that.

307. Have you ever talked about it to anybody?
Not except to my own officers.

308. What is their opinion?
They are of opinion that it would be much better; they should take place within the precincts of the gaol.

309. *Chairman.*] Do you think there would be any doubt among the people whether the man had been hung, if there was a jury of witnesses present to see him hung?
I should think there should be a considerable number of persons present in some way or other; I think there may be many methods of selecting them; for instance, if those persons were admitted who first presented themselves at the gaol door at 8 o'clock or a quarter before 8, so that they might not be selected.

310. You think that would be better than selecting any particular number?
I think

Mr. Adam Sparry.

13th June 1856.

I think no persons should be previously selected; I have thought that it would be a good plan that 50 at least should be admitted besides the jury; I should say the jury who tried the prisoner should be there, if they thought proper.

311. You would not oblige them to be there?
I would not oblige any person to be present.

312. Lord *St. Leonards.*] Do you recollect what your impression was at the first execution you witnessed?
I dreaded it very much: I never dreaded anything so much in my life as when I was ordered to the first execution.

313. What was the effect upon you when you did attend an execution first?
I endeavoured to avoid looking at the spectacle as much as I could; I kept my eyes among the crowd; it was my duty chiefly to do so.

314. It shocked you very much?
It did.

315. *Chairman.*] But you did not see it, you say?
I could not help seeing it occasionally. We are brought very close to it on those occasions.

316. Lord *St. Leonards.*] Where is the scaffold placed?
On the pavement. It is brought there by two horses; there is a beam fixed upon it, and the culprit walks out of the door of the gaol.

317. Is his back to the prison?
Yes, and his face to the people. There is a barrier put round, and the police are inside the barrier.

318. Your impression is, that the great majority of those who come, instead of looking away as you did, look at it as a spectacle?
I have noticed that they kept their eyes intently fixed upon it the whole time that there is anything to be seen, and not only so, but a great many of them stay there. We are generally two hours before we get all the appliances away which are brought there for the purpose of the execution, and a great crowd of persons wait there while the least vestige is left, and not only so, but they rush to the spot where the execution has taken place.

319. Earl of *Shaftesbury.*] That looks as if a very deep impression was made upon their minds?
I always fancy they seem pleased with the idea of it; there is a great rush to get to the place, and they wait there a long time after it is over.

320. Lord *St. Leonards.*] In short, they are very anxious to see the execution?
Yes.

321. *Chairman.*] And in your judgment they regard it as a great sight?
That is my impression.

322. Lord *St. Leonards.*] Is not it a great sight?
It is a very terrible sight; but the persons who come there do not generally view it as such.

323. *Chairman.*] In your judgment they do not regard it as a terrible sight?
No, not in the view I take of it.

324. Marquess of *Salisbury.*] In any instance in which you have been present has the criminal addressed the crowd?
I think on one occasion, in the early part of my service, there was such an instance.

325. Did you observe whether that address had any effect upon them?
I can scarcely recollect the effect it had.

326. Lord *St. Leonards.*] Do you recollect whether it was to warn them from like crimes to that which he had committed?

I have

I have not been near enough to hear what the words were; I have a faint recollection of a criminal addressing the crowd some years ago, but not of late at all. *Mr. Adam Sparry.* 13th June 1856.

The Witness is directed to withdraw.

The REVEREND JOHN CLAY is called in, and examined as follows: *The Rev. J. Clay.*

327. *Chairman.*] I BELIEVE you are the Chaplain to the Preston House of Correction?
I am.

328. And you have been so for some time?
About 35 years.

329. You have paid very great attention, have you not, to the punishments inflicted upon criminals in this country?
I have.

330. Are you aware of the special subject into which this Committee is inquiring?
I have understood that your Lordships are inquiring into the expediency of the present mode of carrying out capital punishments in public rather than in private.

331. Are you able, from your own experience as the Chaplain of the Preston House of Correction, to throw any light upon that question which is so brought before the Committee?
We have no executions at Preston; but I happen to be cognizant of several facts connected with public executions at Lancaster, which I think may throw some light upon the subject; I remember an execution I think as far back as 1817, of four men for the Pendleton murder, as it was called; a murder which caused a great sensation at the time in Lancashire. Those men protested their innocence up to the last moment; just before they were turned off they sang a hymn together; and this double fact of the protestation of innocence, and the singing of the hymn, created a very grave sensation among intelligent persons, who had some doubts whether the men really were guilty or not. Fortunately subsequent evidence came to light, placing beyond doubt the fact that they were guilty. Now it has struck me that if those men had been executed within the walls of the gaol, such a scene would not have taken place. The bravado or determination to take the very last chance of life, I think, would not have been exhibited. I think their firmness, so to call it, would have given way.

332. Are the Committee to understand you that your impression is, that upon the criminal himself the publicity of the execution has an injurious effect?
I am decidedly of that opinion.

333. Can you state what the effect is upon those who witness it?
I have not become acquainted with it from my own direct knowledge, but I have received information, upon which I can fully rely, from a gentleman who has acted as Under-Sheriff very frequently indeed. Two days since I was conversing with him. He said that during the year in which he first acted as Under-Sheriff 20 executions took place at Lancaster. The fact made a strong impression upon his mind, and he considers the scenes presented on such occasions as calculated to do a great deal of mischief in many ways among the spectators. He mentioned particularly the case of a man who was executed for the murder of a woman, by putting her into a well. The murder took place in Rochdale. He knew that the two sisters of the murdered woman walked from Rochdale to Lancaster, in order, if I may use such a word, to enjoy the revenge of seeing the man executed. There was this injurious effect too, that in Lancashire 20 or 30 years ago, as even now in Ireland, there was a tendency to make martyrs of those who were executed. I remember some men being executed for burglary attended with violence at Lancaster, about the year 1824. Their bodies were given up to their friends, and they were brought from Lancaster to the neighbourhood of Preston; and the friends of the executed men made a show of them during the whole of the Sunday which followed the day of their execution, and

The Rev. J. Clay.

13th June 1856.

and collected a very large sum of money. That is obviously a state of things which cannot but demoralize the people in many ways. I cannot but think that if criminals were executed within the precincts of the gaol, and their bodies interred also in the precincts of the gaol, it would be a beneficial change in every respect, both as regards the criminal and all the bad characters who under the present system are supposed to be deterred by the sight of public executions. I am persuaded in my own mind, that the imagination of an evil-doer would draw a far more impressive picture of an execution taking place under such circumstances, than would be actually presented to his eyes in public. I once saw an execution, and before seeing it, I had great misgivings as to whether my nerves would stand it. I expected I should faint or feel very unwell, and to my own great surprise, and in some measure I may say to my own disgust, I felt nothing of the kind. I saw a couple of murderers hung, and I must say, the effect upon my own nerves was nothing compared with what I expected; but I am quite sure that had I been told that the men had been executed with certain circumstances of solemnity and so forth, I should have thought a great deal more of it; and it has occurred to me, that if after executions within the precincts of the gaol, the criminals were interred within the gaol, and sombre looking grave-stones, with short emphatic inscriptions upon them, were also put up, and opportunities were given for the prisoners who come into that gaol to see those stones incidentally, not being taken to them as part of the routine, but if they were allowed to see them, I think it would have ten times more effect upon such evil-doers as find their way into a gaol than the sight of a public execution.

334. Have you ever happened yourself to talk to criminals upon the subject of public executions?

I have not; such a man very seldom comes within the circle of my duties.

335. Earl of *Shaftesbury.*] What do you think is the general feeling upon the subject?

I think the general feeling is in favour of private executions.

336. Do you think that is the feeling of all classes?

I should not think it was the feeling of the lowest class.

337. *Chairman.*] Why do you think they would prefer that executions should be public?

From a morbid desire to see such things.

338. The love of the spectacle?

The love of the spectacle; of course the generality of persons with properly trained minds would go 100 miles out of their way rather than witness it; but the low and untrained and demoralized walk sometimes 100 miles to see it.

339. And your impression, as far as you have been able to observe, is that the sight is not deterring, but merely gratifies curiosity?

It is not deterring. I happened to read within three or four days a fact which is on record—I am not sure whether it is in Mrs. Fry's book or not—upon the subject of deterring from crime; that a man, having been executed for coining, his body was delivered up to his friends, and within a day or two, some of those very friends were apprehended in the act of coining, the dead body being still in the house.

340. Marquess of *Salisbury.*] In your conversations with criminals who have been under your charge, have they ever referred to the probability of their coming to the gallows?

No, they have not. The gaol with which I am connected has nothing to do with capital punishments. The question of transportation frequently enters into their minds; but I have not thought it advisable to investigate the subject of their dread of capital punishment. I have used words of general warning, "Unless you alter your course of life, you may be brought eventually to the gallows," or something of that kind; but beyond that, I have not had any intercourse with the prisoners on the subject.

341. It does not appear to dwell upon their minds that that may be the result?

No; I have seen no evidence of that.

342. The

342. The probability of their transportation does so, you think?
The probability of their transportation does.

343. Does the disgrace and the publicity of that punishment produce any effect upon them?
No; I think it is the fact itself which is the great source of dread to them.

344. But they do not appear to entertain the same dread of capital punishment, whether in private or in public?
It has so happened that I have not witnessed it; I have not had men brought before me upon those grave charges which, if proved, would involve capital punishment.

345. *Chairman.*] The Committee were not to understand that you meant to express an opinion, that you thought people were more deterred from crime by the fear of transportation than of capital punishment; but you have not had the same opportunity of observing the feelings of prisoners with respect to the latter?
No; I have not had the same opportunity of observation.

346. Lord *Bruce.*] One recommendation you have made is, that the present mode of execution should be altered, and that capital punishment should take place privately within the walls of the prison, the body of the criminal being interred within the walls of the prison; how would you propose that the public should know that the execution had actually taken place?
I would propose that it should be made known to the public by some authoritative announcement in the Gazette, and that an affidavit to that effect should appear, signed by the under-sheriff, gaoler, surgeon, and others, whom it might be thought necessary to have as witnesses.

347. *Chairman.*] You would have some witness present?
That is essential; I always contemplate that.

348. Lord *Bruce.*] Do not you think it would be desirable, in order to satisfy the public generally, and the lower classes especially, that the execution had taken place (and that would be particularly necessary in the case of a criminal in a superior position in life), that a certain number of persons of all classes should be admitted within the walls of the prison where the execution was to take place?
I think there would be no objection to that, if it were thought desirable; I take for granted that reporters for the press, one or more, might be present.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, Two o'clock.

Die Jovis, 19° *Junii* 1856.

LORDS PRESENT:

Lord Privy Seal.	Lord Bruce.
Marquess of Salisbury.	Lord Redesdale.
Earl of Shaftesbury.	Lord Somerhill.
Viscount Dungannon.	Lord Ashburton.
Lord Bishop of Oxford.	

THE LORD BISHOP OF OXFORD in the Chair.

Mr. JOHN HAYNES is called in, and examined as follows:

349. *Chairman.*] WILL you state to the Committee what your vocation is?
My business is a chemist and druggist, and a dealer in ancient books and pictures: that is the business I intend to follow. I have been Superintendent of the Police of the Metropolis, and formerly Inspector of the Detective Police.

350. In your former employment, as connected with the police, were you able to form a judgment as to the moral effect produced by public executions as they are now carried out in England?
Yes.

351. Will you state to the Committee what your impression is concerning the effect produced by the present mode of carrying into effect capital punishment?
I believe it has a very beneficial effect upon the public generally.

352. By the public generally, do you mean those who see it, or those who do not see it?
Those who do not see it, and a portion also of those who do.

353. Will you be good enough to state to the Committee what beneficial effects you think are produced upon those who do see executions?
I think it tends to prevent the commission of crime.

354. In what way does it tend to prevent it?
However callous parties may be who witness a public execution, I think they cannot help considering the effect of it afterwards. No one likes to be hung like a dog.

355. Do you speak of the effect from what you have seen yourself, or have heard from criminal persons, or are you giving only your general impression, arguing from what you think would follow the sight of a public execution?
It is my general impression that the sight has a very decidedly beneficial effect.

356. Have you any facts which you can state to the Committee upon which you ground that general impression?
I think it is desirable that an execution should be seen, and that it should be known that parties are executed.

357. Viscount *Dungannon.*] Do you think it desirable that the execution should be seen by the public?
I do; I am perfectly convinced, from conversations I have had with many respectable persons who have no morbid taste to gratify, that the public generally would not be satisfied except the execution were public.

Mr. John Haynes.

19th June 1856.

358. *Chairman.*] Will you state what you mean by the word "satisfied;" satisfied of what?

The impression among many persons is, that if capital punishments were not carried out publicly, some trickery would be played. I have no such opinion myself.

359. Viscount *Dungannon.*] Some trickery in the way of allowing the criminal to escape, you mean?

Yes; I do not think any plan which could be adopted to execute persons in private would satisfy the public generally.

360. They would not be satisfied that the execution had taken place?

No. I found my opinion upon having had very many conversations with respectable and intelligent persons; I may instance that, about a fortnight ago, I was speaking to a very respectable person who has seen, like myself, a great deal of the dark side of human nature; I said, "What is your opinion, supposing they were to do away with hanging in public?" he said, "My impression is, that the public would not be satisfied, and I should not be satisfied."

361. *Chairman.*] Did he state why he should not be satisfied; was it because he would be deprived of the spectacle?

No; he would rather go 50 miles the other way than go to see a public execution.

362. *Lord Privy Seal.*] You think no public attestation of the fact having taken place would be equivalent to the public spectacle?

Certainly.

363. Lord *Ashburton.*] Suppose a satisfactory plan were suggested to you by which the public could be convinced of the reality of the execution, should you, in that case, think it more desirable that the execution should be in private?

Speaking individually, I am decidedly of opinion that it would be much better that executions should take place privately, but I am perfectly satisfied that it would not satisfy the public; and when I speak of the public, I speak of the large mass of the middle class as well as the lower class. In this last case, I do not believe that nine-tenths of the population would have been satisfied that Palmer had been executed if it had been done in private.

364. You mean that doubts and suspicions would have been prevalent in the public mind as to whether the fact had really taken place?

That is my impression.

365. Viscount *Dungannon.*] You said that, as far as your own opinion went, you were in favour of executions taking place in private; on what grounds did you say that?

Because I think the present plan tends very materially to satisfy a morbid curiosity on the part of the public which ought not to be gratified.

366. Are you not of opinion, from the kind of scenes which take place at those executions, that a bad rather than a good moral effect is produced upon the class of persons who go to witness those executions?

I do not think that is the case; I do not think the tendency is that way, because I think any one who has a morbid taste of that description would not be injured by the exhibition; and I cannot help thinking that many of them, however brave they may be under the gallows, when they get home ask themselves a few questions upon the subject.

367. Have not you heard parties boasting about a man having died very game, and so on?

That is common among the lower class of society.

368. Are not they the persons who go to witness such scenes?

There are many persons of a more respectable class of life who witness executions, perhaps more than your Lordships might imagine. Generally speaking, the persons who attend those public executions are not persons who would be likely to commit murder, whatever other offence they might commit. Your Lordships will perhaps allow me to say, that from my experience I believe, as far as moral or religious feeling is concerned, it has but little effect in deterring such persons from committing crimes.

369. *Chairman.*] What is it which has but little effect?
Knowing that a man is hanged, or having heard from others that a man has been executed.

370. Is it your opinion that capital punishment itself has very little effect in deterring?
Quite the reverse. I believe capital punishment deters very materially from the commission of crime; and I have not the slightest doubt that if capital punishment were done away with, scarcely any man's life would be safe in this country.

371. Is what you mean the Committee to understand, that you think the mode of carrying that punishment into effect has very little power in deterring from crime?
I think it has; my meaning is this: with respect to the moral and religious feelings of the class of men who commit crimes of that description, I think if it were not for the certainty of capital punishment, there would be hundreds of murders committed. As far as moral feeling is concerned, I do not think there is any dread as to the consequences, either here or hereafter, of committing murder, except a dread as to the sacrifice of their own lives.

372. Lord *Bruce.*] You have expressed an opinion as to the expediency of capital punishment, but that is rather beside the question which the Committee are now discussing. I understand you to say, apart from your opinion that capital punishment is a desirable thing as deterring from crime, that you think the public execution of criminals also deters from crime?
I do, decidedly.

373. I also understand you to say, distinctly, that if executions were to take place in a private manner, you do not think the public, either the lowest or even the middle classes, would be satisfied that they had actually taken place?
That is my opinion.

374. Especially in the case of a person of superior education, like Palmer or such criminals?
Yes.

375. Viscount *Dungannon.*] Has it been your duty officially to witness many executions?
No. In the case of the Mannings, I had the whole management of that case, and I had the arrangement on the outside at the time of the execution; in the same way with the two men who were hung for the Frimley murder. In the case of Bellamy, I went down to Sunderland and searched his house, and brought up the wills which were so much talked of. In that case the public were satisfied of his guilt, and if they had got hold of him they would have sacrificed him; they did burn his house to the ground.

376. Had you any opportunity of observing what effect the execution of the Mannings had upon the great number of people who came together to witness it?
Like all mobs of people who go to witness a sight of that description, if they have a morbid feeling to carry them to such a place, you cannot expect anything else but laughing and joking among the generality of them; but still I think it has a good effect afterwards.

377. *Chairman.*] Do you think it has a good effect upon those ,who at the time are laughing and joking?
Yes, I think it has; I think they must ask themselves a few questions after witnessing such a scene.

378. That is your inference, but did you ever know an instance of it?
It would be almost impossible for me to do so.

379. You have had no opportunity of testing the accuracy of your inferences, have you?
I have not had any opportunity of conversing with persons of that description.

Mr. John Haynes.

19th June 1856.

380. In conversing with criminals under sentence, have you found that they could trace any good effect to the fact of their having seen an execution?
No.

381. Earl *Stanhope.*] What was the length of your experience in the official post which you mentioned?
I was in the police force nearly 25 years; I joined as constable, and went through the different grades, and have now retired upon a pension.

382. Lord *Bruce.*] Supposing it were thought desirable that executions should be more private than they are, do you think it would satisfy the public if they were to take place within the prison walls, admitting within the walls all persons who could be accommodated within them without any privilege or selection?
I do not think it would.

383. Viscount *Dungannon.*] Not even if you were to admit newspaper reporters?
I think not.

384. What impression do you suppose would arise which would render that not satisfactory to the public; would it be supposed that a deception had been practised, and that the criminal had been suffered to escape?
I believe that would be the feeling on the part of the public.

385. Although the newspaper reporters were present, and gave an accurate account of what occurred?
Yes. I am speaking of persons like Palmer, and men of that description; even up to the present day many persons do not believe that Tawell was executed. There is also the same impression with respect to Fauntleroy. With respect also to Mr. Sadleir, I see from the newspapers it is not believed by some people that he was the man who was found dead.

386. *Chairman.*] Are there not many instances in which people do not believe that the criminal was executed?
There are.

387. Therefore, in your judgment, the present mode does not provide a remedy for that danger; people, even now, believe that particular criminals have not been hung?
Generally speaking, the public believe in it now, but there are instances of their not doing so; and if you adopt a private means of execution, I am satisfied that the great majority would doubt it.

388. You think a doubt sometimes exists under the present system?
To some extent.

389. *Lord Privy Seal.*] And you believe it would exist still more if it were not for the public and open display which is made?
I am satisfied of it.

390. Lord *Bruce.*] You think if the public generally were not admitted to see the execution, they would almost wholly disbelieve in the fact of the execution?
Quite so.

The Witness is directed to withdraw.

Mr. F. De Katte.

Mr. FREDERICK DE KATTE is called in, and examined as follows:

391. *Chairman.*] I BELIEVE you are an attaché to the Prussian Legation?
I am.

392. Will you kindly state to the Committee what is the present mode of carrying capital punishment into effect in Prussia?
By the present mode the execution is private; it was public a good many years ago; but as far as I know for the last 10 or 12 years it has always been carried into effect within the walls of the prison.

393. Are

393. Are any persons admitted?
Yes, people are admitted who have a particular purpose in witnessing the scene; for instance, judges are admitted, physicians, attornies, physiologists, phrenologists: the judge, the solicitor of the Crown, the magistrates, and a deputation of the community are officially present.

394. How many official witnesses are there?
I cannot exactly say; seven or eight.

395. Is it the custom for many others to attend?
No; perhaps half-a-dozen or a dozen others attend; they have to make application for tickets; the tickets are given, as far as I know, by the criminal court.

396. Has any difficulty been found, since the alteration was made, in persuading the people that the sentence has been carried into effect?
No; as far as I know, it has never been doubted by the people.

397. Viscount *Dungannon.*] Are any reporters of newspapers ever admitted?
As far as I know, they are not; it is published afterwards officially in the papers by the criminal court, that the criminal has been executed.

398. *Lord Privy Seal.*] Is there any solemn attestation of the event signed by the official witnesses?
I think so.

399. *Chairman.*] Can you state to the Committee the reasons which led to the change from a public to a private mode of execution?
We found that the publicity of executions had a bad moral effect; it rather excited people to commit murder than deterred them from it.

400. By the production of morbid feelings, do you mean?
Yes, by the production of morbid feelings, and by leading people to all sorts of debaucheries and excesses, which were committed soon after or at the same time as the execution.

401. It was regarded as a spectacle, and so the attention of people was drawn away from the main fact to the accessories?
Exactly so.

402. *Lord Privy Seal.*] Was it considered as tending to make the criminal a sort of hero in the sight of the world?
Yes; when the execution was public, that was the case.

403. *Chairman.*] Have any evils followed from the adoption of the present plan?
No.

404. Is public feeling in Prussia decidedly in favour of the present plan?
Decidedly.

405. A return to the old plan would be generally condemned?
Yes.

406. Does that extend to the lower classes, do you think?
Yes, it does.

407. And to those who are connected with the execution of the laws?
Yes.

408. Earl *Stanhope.*] Has the change taken place in all the Prussian Provinces?
Yes.

409. *Lord Privy Seal.*] Is the present practice common to Northern Germany generally, or peculiar to Prussia?
I think the same mode is adopted in Hanover, and the other smaller States in the north of Germany; and, as far as I know, the same mode is adopted in France.

410. In Austria?
I cannot say.

Mr. F. De Katte.
19th June 1856.

411. *Chairman.*] Are you aware that at this moment a similar change is being made in Bavaria by the ministers of the Crown?
I cannot say.

412. Lord *Bruce.*] Have you reason to suppose that there have been fewer murders committed since the present system has been adopted?
I think there have been rather fewer.

413. Viscount *Dungannon.*] Used people to go from great distances to witness the executions when they were public?
Yes, as far as they could; there were great crowds assembled.

414. Lord *Ashburton.*] Were the executions in any given locality?
No; where the crime was committed.

415. Viscount *Dungannon.*] Is the punishment of death applied to any crimes except murder in Prussia?
No.

416. *Chairman.*] In what way is the criminal executed?
He is decapitated with a hatchet; he used to be with a sword.

417. Was it with a sword when it was done in public?
I think so.

418. Are criminals ever hung in Prussia?
No; they have been hung formerly, but for the last 50 years they have not been hung. As far as my knowledge goes, nobody has been hung during that time.

419. Lord *Bruce.*] Where does the execution take place, generally?
In the court-yard of the prison.

420. And none of the lower classes have a right to be admitted?
No. Admissions are given by the criminal court to such persons as they think fit.

421. Are you aware whether, generally, they give any to the lowest class?
I cannot say.

422. Viscount *Dungannon.*] Was the system adopted in Northern Germany after it was adopted in Prussia?
I think Prussia was first, but I cannot exactly state.

423. The present system, you say, was adopted in consequence of the bad moral effect which public executions appeared to produce?
Yes.

The Witness is directed to withdraw.

The Hon. J. P. Kenedy.

The Honourable J. P. KENEDY is called in, and examined as follows:

424. *Chairman.*] WILL you kindly state to the Committee the office you have held in the American Government formerly?
I was a member of Mr. Filmore's cabinet, in the post of Secretary of the Navy.

425. Are you able to state to the Committee generally the mode in which capital punishment is now carried into effect in the United States?
To some extent.

426. Will you state it, as far as you are able to do so?
I am sorry to say I am not able to speak with much accuracy of detail in reference to the several States. I can, however, say, having heard the testimony just given by Mr. De Katte, from Prussia, that it is almost the same testimony I should give in regard to the United States. Ten or twelve years since, many of our States found it necessary to change the system of execution, and to confine the execution to private spectators in the gaol yard. In my own State, Maryland, I infer there was a law to that effect passed about that time, because in our executions in Baltimore, where I live, they are invariably carried on in the gaol

gaol yard; and I think we have a law requiring it. I know, in Massachusetts and several of the New England States, but particularly in Massachusetts, about the same time, the same change was made. The practice is now extending over the Union; and I find in the majority of the States they now execute in that way. In the last newspaper I received from the United States, there was an account of an execution in Philadelphia, and the papers describe it as taking place in the gaol yard.

427. Can you state to the Committee whether any suspicion, as to the fact of the execution being actually carried into effect, has ever arisen among the population?

No, quite the contrary: the opinion of the country upon the subject is so strong in its favour, that I have no doubt the practice will exist throughout the whole of the Union in a very short time.

428. *Lord Privy Seal.*] Out of what feeling did the change take place?

It arose from a general notion that the prurient appetite for witnessing executions had a bad effect upon the great mass who attended them. The tendency among these masses of people was to exaggerate the character of the criminal, and elevate him to something above ordinary offenders, and so to create a sympathy in his behalf which, in some cases, I believe has emboldened the criminal himself to present himself as defying the terror of the execution, and step forward with a very bold front, and assume a merit with the populace upon that ground.

429. Are you aware whether, before the change was made, any apprehension was entertained that popular suspicions might be excited as to the fact of the execution?

No; I never heard that suggested.

430. Was there any opposition made to the change, as far as you know?

No.

431. *Lord Privy Seal.*] There was no popular feeling against it as altering the character of the punishment?

No. We supposed that divesting it of its circumstance and its parade, rendered it even more terrible to the offender. The custom in Maryland and in Baltimore especially (I do not know whether it prevails in the country places where there may not be large gaol yards), is, when the execution is ordered on the day appointed, the sheriff summons the law officers who had the charge of the trial, the gaoler and the persons connected with the prison, and a company of some 20 or 30 persons are invited to witness the ceremony: it is conducted entirely within the gaol yard. Our gaol is in such a position that from the hills around, at a distance of half a mile, a view may be obtained of the interior; and upon those occasions a great mass of people get upon the hills to look into it, but they are carefully excluded from the gaol yard. In Massachusetts, in Boston, at the execution of Webster, who was lately executed there for murder, they took pains to erect screens around the gaol walls to prevent persons looking down from the neighbouring houses. The great object is to avoid bringing together those crowds, and to strip the criminal as much as possible of that adventitious character which he gains from a public exhibition.

432. You never find that questions are raised in the public papers subsequently as to the fact of such a person having been executed?

No; I never heard a doubt of the kind.

433. Are the reporters of the public press admitted to witness the execution?

I am not aware that reporters are admitted as reporters: there is no difficulty in obtaining admission from the sheriff in the case of any respectable person.

434. Lord *Somerhill.*] The sheriff selects the witnesses, does he?

He does.

435. Is there any person who is bound to attend?

I think in the Northern States the sheriff summonses the parties, and they cannot refuse; I do not think that is the case with us. The district attorney, who is the prosecuting officer, and probably some of the other officers of the court, and a company of some 20 persons or more who may wish to witness the

The Hon. J. P. Kenedy.

19th June 1856.

execution, are invited by the sheriff, and he makes his return to the court of the execution.

436. *Lord Privy Seal.*] Are those changes made by legislation, or by the executive?

By legislation only; only the Legislature would have any power to make such a change: I speak with reserve in the case of Maryland, because my attention was not drawn to the passing of the law; but I infer that a law was passed.

437. Earl of *Shaftesbury.*] Is it regulated by a law of the Confederation, or of the State Legislature?

Our State Legislatures decide all cases affecting the municipal governments of the States. There is a class of cases which come under the consideration of the general Legislature, such as the cases of men who have robbed the mail, or cases of piracy; they come within the jurisdiction of the government of the Union.

438. *Lord Privy Seal.*] In those cases has the general Congress come to a different conclusion from the States?

I am not aware that they have passed any law upon the subject.

439. Lord *Somerhill.*] Where would such a criminal be executed?

In the State in which he is tried. Piracies, attacks upon the mail, forgeries of coin, and that class of offences are tried in the State where the offence has been committed, but before the federal Judge, and the whole disposition of the trial and the execution is according to federal law. The Government of the Union would execute pretty much as the Judge might direct, there being no general law in reference to either public or private execution.

440. Lord *Bruce.*] Suppose a man committed murder in robbing the mail, so as to be tried by the Federal Government, would that man be executed privately or publicly?

I rather suppose, but I speak with some reserve upon that point, that the Judge of the Court would have the power to determine what should be the mode of execution.

441. Marquess of *Salisbury.*] Is there any difference in the composition of the jury summoned for a Federal trial and a State trial; is the class of jurymen different?

No; they are the people of the district in both cases.

442. Earl of *Dungannon.*] Is forgery a capital offence in the United States?

No.

443. Is there any crime which is considered a capital crime, except murder?

It depends upon the State legislation. Some of the States take a broader view in their legislation in these points than others. There are one or two of the States which have entirely abolished capital punishment; it is a subject which is in constant discussion among us; and I think one or more of the States may have abolished capital punishment entirely. In other States, capital punishment is extended to arson. In California, horse-stealing is very likely a capital crime. I know the disposition of the people there is to punish that crime very highly; but in the old States, our code is pretty much what we obtained in our inheritance from this country. We have in all our States, without exception, distinguished the crime of murder into two kinds of murder, murder in the first degree, and murder in the second degree. Murder in the second degree is punished, in Maryland, by 18 years' confinement in the Penitentiary, and it is only the first degree of murder which is capital. We, therefore, have very few capital cases.

444. Marquess of *Salisbury.*] Does that concur with our distinction between homicide and murder?

Justifiable homicide and chance-medley are subject to the definitions of the English common law. They are incorporated with the code, with those distinctions.

445. Lord *Bruce.*] Are the Judges appointed by the Federal Government for all the States?

No; the Federal Government has no care of any municipal detail.

446. In

446. In the case of an attack upon the mail, for example, which is under the Federal Government, is that tried by a Judge appointed by the President of the United States?

Yes. Your Lordships will see we have, first of all, the State jurisdiction, which is perfect in itself; that comprehends every branch of civil and criminal jurisdiction, except so far as national relations and foreign relations are concerned; and certain branches of sovereignty, such as the government of the mails, the control of the coinage, the control of commerce, and the regulation of the army and navy. Those are subjects which are not within the reach of the State action; and to carry out the functions of the general government, the whole of the country is divided into judicial districts, of which there is generally one Chief Justice and a Judge of the Admiralty, who sits with him, and they administer all the law which relates to the federal affairs of the country, whether civil or criminal. The State jurisdictions revolve within their own orbits, perfectly independent and separate from each other.

447. Marquess of *Salisbury.*] Are the forms of proceeding similar?

Precisely the same.

448. *Chairman.*] Are you able to add anything on the special point on which we have asked your opinion, the mode of carrying into effect capital punishment?

No. I think I can add nothing more than to say that it is a favourite idea in the United States to retain the punishment as we now have it. That tendency is increasing in the country. We have never yet discovered any evil resulting from it, and in the opinion, I believe, of our best thinkers, it has been beneficial in its influence.

449. Viscount *Dungannon.*] The change took place in consequence of great evil being considered to attend the former mode of execution?

Yes; there was something very revolting to our view in the great masses of people who before attended these executions in public.

450. Lord *Somerhill.*] I understood you to say that one of the evils of public executions was, that the popular sympathy was rather enlisted on behalf of the criminal; do you happen to recollect any instances in which the contrary was the case, and public execration of the criminal was manifested when he appeared?

No; our mob and our populace are very deferential to the feeling of the prisoner even in the worst cases.

451. Lord *Bruce.*] In those executions which take place within the prison-yard, are any persons permitted to come there by right?

It is a matter requiring the permission of the sheriff, who is custodiary of the gaol, and he is very careful not to bring in persons, except those of intelligence and character, to witness the execution.

452. None are admitted of the lowest class?

No.

453. Is there generally an account of those executions in the newspapers?

Yes; and I infer from that, though I do not understand it to be a point regularly observed, that at the execution some one is present who is able to report in the papers.

454. Lord *Somerhill.*] What is done with the corpse of the criminal?

In some of the States it is also part of the sentence that he shall be delivered to the physicians; with us the body is given to the relatives.

455. Viscount *Dungannon.*] You do not direct the body to be buried within the precincts of the gaol?

No.

456. Lord *Bruce.*] What is the way in which it is made public?

The sheriff makes his return to the Court, that he has executed the writ. I am not sufficiently acquainted with law terms to speak positively upon the subject, but I suppose he makes a certificate, stating that it was in the presence of a number of bystanders, and very probably some of them sign it.

 457. Is

The Hon. J. P. Kenedy.

19th June 1856.

457. Is that published in any form?

No; that is the return to the Court; it is as public, an hour afterwards, as the execution of Palmer was here the other day. We keep our criminals under execution never less than three or four months; and one of our States requires that he shall be kept a year.

458. Viscount *Dungannon.*] With the intention of carrying out the sentence at the end of the year?

Yes; we very seldom execute under three or four months from the time of the sentence being pronounced.

459. *Lord Privy Seal.*] Is that in the hope of a moral effect being produced on the criminal?

It is to give him religious instruction and preparation.

460. Is that interval often made use of for the purpose of pressing upon the authorities of the State to obtain a pardon?

Yes, very severely: it is a very doubtful point of policy. There was a very notorious offender, a man who had robbed the mail, and murdered the guard and the driver, under circumstances of very great atrocity, who, after his sentence, was confined in prison three or four months before his execution. During that interval he was shrewd enough to assume a very penitential and converted character; he became very religious; had visions, and published something like an Apocalypse, and drew great attention, particularly from the women; and finally, he interested even some of the higher clergy to address the President of the United States for a pardon; and I think 20,000 names were got to sign the paper. The President, Mr. Monroe, fearing that more petitions might come, ordered the execution to take place sooner than it was intended to do. I think that is more or less the tendency in almost all these cases.

461. Viscount *Dungannon.*] Does it frequently happen that sentences are commuted after they have been pronounced?

Very seldom. We have only a very few cases of capital punishment, arising out of the modification of the law. The cases which are punished are generally of the worst character.

462. Lord *Redesdale.*] Does the power of pardon rest with the Governor of the State?

Yes; and in State cases with the President.

463. *Lord Privy Seal.*] Is the crime of arson still capitally punished?

It is in some of the States.

464. Earl *Stanhope.*] Do you find it necessary to provide by law any penalty to compel official persons to attend the execution, who might otherwise decline to attend?

I am not aware that we have ever done that. There are always persons to be found who are amateurs enough in these matters to be willing to attend. The law officers of the Court in practice consider themselves bound to attend. Whether there is any actual coercion upon them I cannot say; generally, several of the most respectable clergy are invited.

465. Probably those who have attended the criminal in his last hours?

Yes.

466. Viscount *Dungannon.*] Is your mode of execution hanging?

Yes.

467. Earl *Stanhope.*] In all the States?

I believe so; I never heard of any other: indeed, I am sure there is no other means of capital punishment in America.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday, 4th July, Three o'clock.

APPENDIX.

1.

THE Count of Bernstorff presents his compliments to the Lord Bishop of Oxford, and, with reference to the last conversation, begs to inform him that in Prussia the executions are not public. They take place in the courtyard of the prison in the presence of the judge, two aldermen, and the solicitor of the Crown. Other persons wishing to be present at an execution must make application to the Criminal Court; and cards of admission are generally granted to physicians, physiologists, or persons who may have an interest to witness the same.

Prussian Legation, 12 May 1856.

2.

My Lord Bishop, County Gaol, Carlisle, 17 May 1856.

FROM the public execution of our criminals, it has always been my conviction that no good has resulted, but the contrary, by causing vile and thoughtless persons to congregate together. It has been my duty to be present at the execution of criminals three times during the last few years. On two occasions I commanded a strong body of police, for the purpose of keeping order amongst the rabble assembled to see "the sight," as they termed it; the hubbub and uproar were most offensive and disgusting. In the spring of last year, a youth was hung here for murder; about 10,000 people assembled in front of this prison, the majority of whom were females, and many of them with children in arms. Depend upon it, my Lord, if criminals were executed within the prison walls, and seen no more by the public after trial and sentence, it would strike terror and dismay to the wicked.

I have, &c.

The Right Reverend
the Lord Bishop of Oxford.

(signed) T. H. REDIN, Governor.

3.

Shropshire Constabulary, Chief Constabulary Office,
My Lord, Shrewsbury, 1 June 1856.

I AM happy to say that there have been so few capital punishments in this county since the establishment of the police, a period of 17 years, that I do not think it likely any of the superintendents or constables have had opportunity of forming an opinion on the subject; but I will have inquiry made, and communicate with you should I obtain any useful information.

My own opinion is, that it is viewed much more in the light of a show than of an awful punishment; and in proof of this I would mention, that on one occasion in this town, when an execution took place, the performance at a circus that then happened to be here was postponed for two hours, in order to enable the people to witness both; nevertheless, I am not prepared to offer any other place for carrying out the last fearful sentence of the law.

I have, &c.

(signed) D. MAYNE, Capt. R. N.,
Chief Constable.

The Lord Bishop of Oxford,
&c. &c. &c.

4.

My Lord, Aylesbury, 20 June 1856.

I AM aware that the subject of the abolition of public executions of criminals is interesting to you, and I venture to suggest that—

The responsibility of carrying out the sentence of death to be left, as at present, with the sheriff; the day of execution to be fixed by the Secretary of State.

The criminal to be put to death within the precincts of the gaol, by the mode authorized, in the presence of the sheriff or under-sheriff, and officials, and the governor, chaplain and surgeon of the prison, and as many of the reporters for the public press as the sheriff may think desirable.

That, as in all other instances of deaths of criminals in prison, there shall be a coroner's inquest, and evidence of cause of death (as in any other case), and of the particular circumstances attending it, so as to enable the jury to find by their verdict that the criminal was put to death by the mode authorized, pursuant to the sentence, and which would be a sufficient guarantee to the public.

Appendix.

One other suggestion is obvious: that all members of either House of Parliament, magistrates and others of the so-called higher classes, who desire a continuance of public executions, should as well give evidence of their approval of them as set an example of decorous behaviour on so solemn an occasion (to those who usually attend), by being present themselves on every convenient opportunity, lest their absence should lead to the inference that such scenes are too degrading for them, and suited and required as examples only for the humbler classes.

I beg your Lordship's excuse for my intrusion, and have the honour to remain,

My Lord, &c.
(signed) Richard Rose.

The Right Rev.
The Lord Bishop of Oxford.

5.

My Lord, Sessions-house, Liverpool, 2 June 1856.

Understanding that you have obtained a Committee to inquire into the expediency of altering the mode in which sentences of capital punishment are executed in this country, it has occurred to me that information of the change having been introduced elsewhere may be acceptable, and that from the small share of attention which the affairs of the West Indian Colonies nowadays receive, it may not be known to your Lordship that the suggested reform has been already effected in British Guiana, where, for some short time past, the punishment of death has been solemnized within the precincts of a gaol, instead of being exhibited as a public spectacle.

When the desired improvement shall have been decided on, it may probably be deemed necessary to prescribe some means of conveying to the public an assurance that the sentence has been duly executed, such as a certificate by the chief officers of the gaol and other functionaries of having been present and witnessed the execution. I allude to this point, because in the colony above mentioned, no provision seems to be made for officially notifying the fact of the capital sentence having been carried into effect.

I have, &c.
(signed) Philip N. Garvett.

The Right Rev.
The Lord Bishop of Oxford.

6.

My dear Lord Bishop, 123, Park-street, 20 June 1856.

I am truly sorry that all *vivâ voce* examinations are utterly prohibited by my medical men. Meantime many details of Spanish executions, and of one by the garrot especially, will be found in a Paper on "The Banditti of Spain," written by me many years ago for the Quarterly Review, No. CXXII., p. 384, *et seq.*

I have, &c.
(signed) Richard Ford.

The Lord Bishop of Oxford.

Extracts from the Paper alluded to by Mr. Ford in the foregoing Letter.

Jose de Roxas, commonly called El Veneno, was tried, found guilty, and condemned; the sentence was ordered to be carried into effect.

The courts of law and the prisons of Seville are situated near the Plaça San Francisco, which has always been the site of public executions. On the day previous nothing indicates the scene which will take place on the following morning. Everything connected with this ceremony of death is viewed with horror by Spaniards; even the gloomy scaffolding is erected in the night by unseen, unknown hands, and rises from the earth like a fungus work of darkness, to make the day hideous, and shock the awakening eye of Seville.

When the criminal is of noble blood, the platform, which in ordinary cases is composed of mere carpenter's work, is covered with black baize.

The operation of hanging among so unmechanical a people, with no improved patent invisible drop, used to be conducted in a most cruel and clumsy manner. The wretched culprits were dragged up the steps of the ladder by the executioner, who then mounted on their shoulders, and threw himself off with his victims, and, while both swung backwards and forwards in the air, was busied with spider-like fingers in fumbling about the neck of the sufferers, until being satisfied that life was extinct, he let himself down to the ground by the bodies. Execution by hanging was, however, abolished by Ferdinand VII., who determined that the usual death for civil offences should be strangulation—the "garrote."

On the morning of execution the triple tiers of the old balconies, roofs and whole area of the Moorish and most picturesque Plaça were crowded by the lower orders, the men wrapped up in their cloaks (it was a December morning), the women in their mantillas, many with young children in their arms, brought in the beginning of life to witness its conclusion. The better classes not only absent themselves from these executions, but avoid any allusion to the subject; the humbler ranks, who disregard the conventions of society, give loose to their morbid curiosity to behold scenes of terror. This operates powerfully on the

women,

women, who seem impelled irresistibly to witness sights the most repugnant to their nature, and to behold sufferings which they would most dread to undergo; they, like children, are the great lovers of the horrible, whether in a tale or in dreadful reality. To the men it was as a tragedy, where the last scene is death—death which rivets the attention of all who sooner or later must enact the same sad part. They desire to see how the criminal will conduct himself; they sympathise with him if he displays coolness and courage, and despise him on the least symptom of unmanliness.

An open square was then formed about the scaffold by lines of soldiers drawn up, into which the officers and clergy were admitted.

When at length the cathedral clock tolled out the hour of death, an universal stir of tiptoe expectation took place, a pushing forward to get the best situations. Still 10 minutes had to elapse, for the clock of the tribunal is purposely set so much later than that of the cathedral, in order to afford the utmost possible chance of a reprieve.

When that clock too had rung out its knell, all eyes were turned to the prison door, from whence the miserable man came forth, attended by some Franciscans.

He had chosen that order to assist at his dying moments—a privilege always left to the criminal.

He was clad in a coarse yellow baize gown, the colour which denotes the crime of murder, and appropriated always to Judas Iscariot in Spanish paintings. He walked slowly on his last journey; half supported by those around him; stopping often. When he arrived reluctantly at the scaffold, he knelt down on the steps, the threshold of death;—the reverend attendants covered him over with their blue robes—his dying confession was listened to unseen. He then mounted the platform attended by a single friar; addressed the crowd in broken sentences, with a gasping breath; told them that he died repentant, that he was justly punished, and that he forgave his executioner. "Mi delito me mata, e no ese hombre"—My offence puts me to death, and not this fellow. "Ese hombre" is a contemptuous expression, and may imply insult. The ruling feeling of the Spaniard was displayed in death against the degraded functionary. The criminal then exclaimed, "Viva la fe! Viva la religion! Viva el rey! Viva el nombre de Jesus!" All of which met no echo from those who heard him. His dying cry was, "Viva la Virgen Santissima!" At these words, the devotion to the goddess of Spain, burst forth in one general acclamation, "Viva la Santissima!" So strong is their feeling towards the Virgin, and so lukewarm their comparative indifference towards their king, their faith, and their Saviour. Meanwhile the executioner, a young man dressed in black, was busied in the preparations for death. The fatal instrument is simple: the culprit is placed on a rude seat, his back leans against a strong upright post, to which an iron collar is attached, enclosing his neck, and so contrived as to be drawn home to the post by turning a powerful screw. The executioner bound so tightly the naked legs and arms of Veneno, that they swelled and became black—a precaution not unwise, as the father of this functionary had been killed in the act of executing a struggling criminal. The priest who attended Veneno was a bloated, corpulent man, more occupied in shading the sun from his own face than in his ghostly office. The robber sat with a writhing look of agony, grinding his clenched teeth. When all was ready, the executioner took the lever of the screw in both hands, gathered himself up for a strong muscular effort, and, at the moment of a preconcerted signal, drew the iron collar tight, while an attendant flung a black handkerchief over the face—a convulsive pressure of the hands and a heaving of the chest were the only visible signs of the passing of the robber's spirit. After a pause of a few moments, the executioner cautiously peeped under the handkerchief, and, after having given another turn to the screw, lifted it off.

The face of the dead man was slightly convulsed, the mouth open, the eye-balls turned into their sockets from the wrench.

7.

REPORT.

13 June 1856.

We beg to state, with reference to the execution of criminals, that the public generally is opposed to private executions. In carrying out the inquiries of this office, we have had opportunities of hearing the opinions of a great many persons, and we find a great majority in favour of public executions; few are for totally abolishing pain of death, which if done would cause an increase of crime, as many criminals are only deterred from committing murder through fear of losing their own lives. Private executions (for instance, a rich man) would leave no doubt on the public mind as to whether the criminal had really been executed or not, as in the case of the Duke de Praslin, in France, who was found in his cell poisoned: up to this time the public think that the Duke is still alive and in the United States; that a corpse was put in his cell, and he allowed to escape to avoid a "peer" dying on the scaffold.

The public is certainly in favour of public executions, and though robberies are sometimes at the foot of the scaffold, the execution of a criminal has such an effect on persons attending, that, with a few exceptions, persons seldom witness a second time the awful sight.

(signed) Stephen Thornton, John Sanders, } Inspectors Detective.

Appendix.

8.

My Lord, Chief Constable's Office, Chelmsford, 24 June 1856.

In compliance with your wish to have my opinion as to whether any benefit, directly or indirectly, is derived from public executions:

I have no hesitation in confidently stating that, in my opinion, no benefit, directly or indirectly, is derived therefrom, neither have I ever heard a contrary opinion from any person who may have had an opportunity of judging; and I am sorry to say that the assemblage of people on such occasions leads to many disgraceful scenes; in fact, the disgraceful state of the town of Chelmsford from the conduct of the people assembled from a distance on the 25th March 1851, the day of the execution of Thomas Drory and Sarah Chesham, exceeded anything I had ever before witnessed, or could have credited.

I have, &c.

(signed) J. B. B. M'Hardy,
Captain R. N., and Chief Constable of Essex.

The Right Reverend
The Lord Bishop of Oxford.

Brought from the Lords, 15 *July* 1856.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED

"To take into Consideration the present Mode of carrying into effect CAPITAL PUNISHMENTS;"

AND TO REPORT THEREON TO THE HOUSE;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND

APPENDIX.

Ordered, by The House of Commons, *to be Printed*, 17 *July* 1856.

[*Price* 7 *d.*]

366.

Under 8 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

CIVIL SERVICE ESTIMATES, CLASS 7;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
23 *June* 1856.

304.

Sabbati, 7° die Junii, 1856.

Ordered, THAT a Select Committee be appointed to inquire into the Charges made by Mr. Albano for Services at Paris and Madrid, and other Items included in Class 7 of Estimates, &c., Civil Services, Nos. 29 and 30.

Lunæ, 9° die Junii, 1856.

Select Committee nominated accordingly:

Sir B. Hall.	Mr. Lloyd Davies.
Mr. G. A. Hamilton.	Mr. Marjoribanks.
Mr. Wise.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Three be the Quorum of the Committee.

Lunæ, 23° die Junii, 1856.

Ordered, THAT the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - p. v
MINUTES OF EVIDENCE - - - - - - - - p. 1
APPENDIX - - - - - - - - - - - - p. 27

REPORT.

THE SELECT COMMITTEE appointed to inquire into the CHARGES made by Mr. *Albano* for Services at *Paris* and *Madrid*, and other Items included in CLASS 7 of ESTIMATES, &c., CIVIL SERVICES, Nos. 29 and 30, and who were empowered to send for Persons, Papers, and Records :—HAVE considered the Matters to them referred, and have agreed to the following REPORT:—

THAT Your Committee have examined the Secretary to the Board of Works relative to the mode in which the architect, Mr. Albano, was authorised by the Board to proceed in the execution of the work on the Ambassador's Residences at Paris and Madrid, and have also examined the architect, together with such of the minutes and instructions supplied to him as were produceable.

That Your Committee, from the evidence of Mr. Albano, find that the condition of the Ambassador's Residences at Paris and Madrid rendered them unsuitable for that purpose, each being constructed of wretched materials, demanding constant and general repair.

That the charges made by Mr. Albano are such as he was fairly and professionally entitled to make. At the same time, Your Committee cannot refrain from noticing the vast disproportion of his charge, which is 3,217 *l.* 1 *s.* 6 *d.*, to the cost of works executed, which is 11,763 *l.* But this disproportion of charge to the cost of actual work and repairs arises to some extent from the fact that Mr. Albano's presence was constantly required to counteract the systematic imposition which had previously prevailed, and which he had materially checked. In Paris it was impossible to effect the repairs by means similar to those which would be adopted in London, by engaging a respectable contractor. The system of extortion and fraud practised by the persons employed to do the work made the constant supervision of an agent on the part of the English Government indispensable. It also appears, as regards Madrid, that Mr. Albano's engagement was for a specific sum of 300 *l.*, but on his arrival there the Revolution broke out, which not only rendered the prosecution of his work impracticable, but prevented the possibility of his return, so that he was detained there for a considerable time, and the additional sum of 475 *l.* was agreed by the Board of Works to be paid him for such period of detention, and for his expenses ; and this sum was sanctioned by the Treasury.

That the Votes now proposed to be taken should have been presented to Parliament when the accounts became payable. That this was not done; and that it appears by the Evidence that the charges for services rendered by Mr. Albano were not submitted to the Board of Works until the present First Commissioner declined to advance any more monies on account, without the whole of such charges being submitted for inspection. That the accounts for 1853, 1854, and 1855 were then rendered. That the consequence has been, that the charges for services in those years form part of the Votes of the current year, instead of appearing in their due course. That it is very clear, that in consequence of the arrangements made by the present First Commissioner immediately after his accession to the office, such irregularities are not likely to occur again; the rule established being to the effect that accounts shall be rendered immediately after the service has been completed, when they are thoroughly investigated, and submitted to Parliament in due course. That the Ambassador's Residence at Paris is also under constant supervision.

23 *June* 1856.

PROCEEDINGS OF THE COMMITTEE.

Mercurii, 18° *die Junii*, 1856.

MEMBERS PRESENT:

Sir Benjamin Hall.	Mr. Marjoribanks.
Mr. Lloyd Davies.	Mr. G. A. Hamilton.
Mr. Wise.	

Mr. Lloyd Davies called to the Chair.

Room cleared.

Committee deliberated as to their course of proceedings.

Mr. *A. Austin* and Mr. *Albano*, C. E., examined.

Room cleared.

Committee deliberated.

[Adjourned till Monday, at Two.

Lunæ, 23° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. Lloyd Davies, Chairman.

Sir Benjamin Hall.	Mr. G. A. Hamilton.
Mr. Wise.	

Mr. *Austin*, further examined.

Room cleared.

Committee deliberated, and agreed to their Report.

WITNESSES.

Mercurii, 18° *die Junii*, 1856.

Alfred Austin, Esq. - - - - - - - - - pp. 1. 21

Benedict Albano, Esq. - - - - - - - - pp. 10. 22

Lunæ, 23° *die Junii*, 1856.

Alfred Austin, Esq. - - - - - - - - - - p. 26

MINUTES OF EVIDENCE.

Mercurii, 18° *die Junii*, 1856.

MEMBERS PRESENT.

Mr. Lloyd Davies.
Sir Benjamin Hall.
Mr. Wise.
Mr. Marjoribanks.
Mr. G. A. Hamilton.

LLOYD DAVIES, Esq., IN THE CHAIR.

Alfred Austin, Esq., called in; and Examined.

1. *Chairman.*] YOU are Secretary to the Board of Works?—Yes.
2. When were you appointed?—In November last.
3. Whom did you succeed in that office?—Mr. Phillipps.
4. Do you know for what period previous to your appointment he had been discharging the duties of that office?—He was secretary of the Board of Works from its separation from the Commission of Woods and Forests in 1851; and I believe he had performed similar functions for some time before that.
5. Was he obliged to give it up?—Yes, from ill health.
6. For how long a period before your appointment was he obliged to give it up?—Just upon 12 months.
7. Do you know by whom those duties were performed previous to your appointment in the interim?—By Mr. Thornborough, the assistant secretary.
8. What state did you find the business of the office in when you came into it?—I found it in a state of considerable disorder in some respects when I took my office in November, both as to the proper business of the office, and also as to the mere official arrangements for transacting business. But it had been, I should think, in a somewhat worse condition than it was when I entered it. When I went to the office in November, I found that Sir Benjamin Hall had already paid great attention to the business to get it into order, and had laid down some stringent rules which had had a beneficial effect; those rules, which were for the general guidance of the business, had done a great deal of good; but the details naturally fell to me to attend to when I came.
9. Mr. *Wise.*] Will you have the kindness to state what you mean by saying that the affairs of the office were in a state of considerable disorder. Was that with regard to finances, or with the documents generally of the department?—It was partly with regard to the condition of the documents; they were not properly kept. They had not been properly registered; but when I entered upon my duties I found that a register was beginning to be very well kept; that was one of the matters to which Sir Benjamin Hall had attended; I found also that there had been a certain amount of neglect of business previous to that of last year; a number of accounts that should have been settled long before remaining open.
10. With reference to passing the accounts of the Commissioners, did you find that there was a considerable neglect?—I think the accounts when I went to the office were 11 months in arrear, and according to the rules of the Audit Board they should not be more than four months in arrear. I also found that there was a great arrear of unanswered questions from the Audit Office, extending from 1851 down to November of last year.

A. Austin, Esq.

18 June 1856.

11. In other words, when the present Chief Commissioner went to that department he found the office in a state of confusion?—I should not say a state of absolute confusion; it was in a state of considerable disorder, but it was not in inextricable confusion.

12. *Chairman.*] What ought to have been done within four months had been left 11 months undone?—That was so as regarded the sending in monthly accounts; that was one point; there were many other points I could mention; probably I have a document here which will illustrate what I mean; it is a bill of Mr. Albano's for 1853; the balance of that bill was not paid till the 1st of March last; that balance I became aware of at Christmas, that is, soon after I came into the office, but for certain reasons connected with the state of the accounts, I was obliged to postpone paying the balance, so that the bill of 1853 was not settled till March 1856. The description of delay which had previously happened seemed to impede the business of the office.

13. Mr. *Wise.*] When you went to the office, did not you find things in a transition state?—I am anxious that that should be understood. They were getting very much better, from several very stringent rules which the Chief Commissioner had introduced before I went; as I said before, they related to the general course of business, rather than to details. I found a great deal of disorder in the details of the business, which of course the First Commissioner could not have attended to. But as regarded the general conduct of the business, it was getting into better order.

14. Are all the accounts well kept at present?—The accounts are now ready to be delivered more closely up than the Audit Office requires.

15. *Chairman.*] How long had Sir Benjamin Hall held the office he now holds previously to your appointment?—Three months.

16. When you came to the office, you say that Sir Benjamin Hall made an attempt to remedy the omissions of his predecessors, and that it was in a transition state?—It was obvious that the rules laid down by him were precisely those required for the existing state of things.

17. They merely required time to mature?—They merely required time to mature; and those rules being laid down, it was not very difficult, although of course it required attention, to bring the details into order.

18. Can you give any statement of Mr. Albano's account with respect to the repair of the ambassador's house in Paris?—About Mr. Albano's matter I know nothing except from the papers. I have read through the vast correspondence which has taken place since 1852 on the various points, and I will state the results. The first statement I would make would be this: I find that the amount of money which has been voted by Parliament for the ambassador's house at Paris, for extraordinary and ordinary repairs and maintenance, and so on, from 1852 to the present time, has been 11,763 *l.* That is the money actually voted, and does not include the estimate for the present year.

19. Mr. *Wise.*] That includes the large sum of 9,000 *l.* voted for repairs?—It includes extraordinary as well as ordinary services; and during the same period I find, from what I have had extracted from the books (I cannot, of course, speak to the perfect accuracy of it, but I believe it to be accurate), that 10,129 *l.* 7 *s.* 3 *d.* has been laid out upon the same service.

20. In the same time, and for the same service?—Yes.

21. *Chairman.*] Is that the expenditure from the vote?—It is the expenditure over the same period.

22. Is it comprehended in the vote?—Yes. As I said, I cannot vouch for the perfect accuracy of this statement; I am obliged to take it from the papers as well as I can.

23. Have you any statement to show what this amount was expended for?—I have a list of the items here (*producing a Paper*).

24. Mr. *Wise.*] Are these items sent home to the Board of Works?—Yes; they consist of bills from tradesmen for articles of furniture, and other things.

25. By whom are they sent home to the Board of Works?—I believe by Mr. Pickford, the consul at Paris. It is necessary to have some little machinery there for the payment of bills. I believe the bills were sent to him, and he, jointly with Mr. Albano, arranged the payment of the tradesmen in Paris.

26. Are the accounts allowed by the architect, and then referred to the British consul, to pay them?—No, they are sent to the office, and are afterwards remitted to Mr. Pickford, and he and Mr. Albano arrange for the tradesmen to meet them and

and receive payment. I think they are first of all sent to Mr. Albano, and then to our office.

27. *Chairman.*] Does he certify them?—Yes, he certifies them as to accuracy.

28. Can you tell us the sort of certificate he gives?—I have not seen any of those bills, but I should say that the certificate is to the effect, that the goods have been supplied, and that they are proper goods, and that the amounts are correct.

29. That certificate and bill are sent to your office?—Yes.

30. What do you do afterwards?—They are referred to an officer of our Board to examine the bill.

31. What becomes of it afterwards?—When it is examined it is returned to the consul, and he, as I said before, with Mr. Albano, arranges for its payment; or if Mr. Albano is not in Paris, some arrangement is made by which the tradesmen are paid; we remit the money to the consul.

32. Then, in truth, your office entirely depends upon the certificate of Mr Albano and of the consul?—The consul is merely the instrument for paying, he has nothing whatever to do with examining the accounts; of course, mainly, we must depend upon the certificates of Mr. Albano, and should there be any difficulty they would be decided by the Board; the bills are examined, and in the course of examination questions may arise that may require to be laid before the Chief Commissioner.

33. Those bills were sent in previously to your being in the office?—Yes; personally I do not know anything of those bills.

34. Was there anything left by the gentleman who occupied the post before you, to show that he had examined those bills?—I have not seen the bills myself, and do not know of anything them; I think that, on the personal account of Mr. Albano sent into the office, there is some writing of Mr. Phillipps's, but I do not remember any other mark of his upon any of the accounts.

35. Mr. *Wise.*] If the order is sent to the British consul to pay those bills they must have been first inspected at the Board of Works?—They were inspected by the proper officer; I cannot say with precision what the course of proceeding was before I went, in that respect; but since I have been there the proceedings have been very strict indeed; all the accounts come into my hands first; I send them to the proper officer for examination, the officer brings them back to me, and after I have inspected them generally, I make an order for their payment; but I cannot undertake to say that that course was pursued in the office, formerly, I rather think, it was not so strict.

36. *Chairman.*] In all cases where such an order is made are tenders sent in previously, in order to ascertain whether the amount is right?—I cannot say so of every case. The practice of the office now is tending that way, but there are cases in which it is better not to have tenders; it is better to deal with one or two persons of known respectability; but the tendency of the office is to introduce the practice of tenders.

37. In this case you have merely Mr. Albano's statement as to the order given; you know nothing of the amount or the nature of the account until the account is certified by him?—I should think that was the case, but I have no personal knowledge of it.

38. Is that the practice of the office with regard to this country?—No; on the contrary, at a fixed time, an account of all the ordinary works that are to be done during the next week, and all the furniture to be furnished, pass under my eyes; they cannot stir without my order; and I have often had to trouble the First Commissioner about them to bring matters under his cognizance. At present that is so, but I cannot undertake to say what took place before Sir Benjamin Hall went to the office.

39. Do you know anything of the alterations that have been made in the ambassador's house at Paris?—Nothing whatever personally; all I know is from perusing the correspondence.

40. Do you not think it would be a wiser course even with regard to foreign works, that except in a case of extreme urgency there should, whenever alterations are proposed, be an estimate sent in to the Board of Works for Sir Benjamin Hall's approval previous to the alterations being made?—That would depend very much upon the system upon which the foreign ambassadorial residences are conducted.

A. Austin, Esq.

18 June 1856.

41. Does not it constitute the ambassador something more than an ambassador if he has a right to decide upon those matters?—Yes.

42. Do not you think it possible that there should be a surveillance exercised by the authorities here previously to any proposed outlay, to see whether it is reasonable in its character and amount?—I am rather disposed to manage the foreign ambassadorial residences in that way. I apprehend that a check would be furnished by examination; but it may be a question which is the best system.

43. Do not you consider this result would follow from such a system, that not only would Sir Benjamin Hall have an opportunity of first deciding whether it would be expedient or not, but also approving of the amount, which would be a check upon any architect employed, so that there would be no possibility of his abusing his authority abroad?—It might, to a certain extent, at home; the knowledge which the First Commissioner would have of the buildings and work necessary is a check upon the architect; but we are necessarily ignorant of the ambassadorial residence at Paris, or at any rate at Madrid, and it must be left to a great extent to the architect.

44. Could not the survey be forwarded to you?—Yes; but I am not very sanguine as to the effect of laying before the Board of Works an estimate of what may be wanted for the ordinary works of a residence at Madrid; we can know but little about it; we must be very much in the hands of the architect who does the work.

45. Mr. *Wise.*] As a general rule, does not most of the expenditure at Paris arise from the necessity of a large annual outlay on repairs?—Yes; it is the ordinary expenditure.

46. It is very rarely that you have any other charges excepting upon extraordinary occasions, as in the years 1851 and 1852?—Yes.

47. I presume that this estimate of 566*l.* for taking down a wall in the Rue d'Anjou is an estimate which has been sent in to you, and which you have assented to?—Yes.

48. And is the sum of 626*l.* for repairing the floors and improving the hot air flues an estimate?—Yes.

49. Then with reference to the chapel, was the estimate for 550*l.* sent in, or was the expenditure incurred without the sanction of the Board of Works?—I am not prepared to say whether there was an estimate sent in in that case or not; there was not much time to lose in preparing the work.

50. Then those were expenses to which your observation that estimates would not be sent in, would not apply?—I understood the Chairman asked whether it would not be better to have an estimate sent in for weeks before you do the work; I say in the main, I quite agree in that principle, but at the same time I am not certain of its operating with any great effect in regard to Paris or Madrid, because we have not any great information respecting those places. At Paris we know more about it, because Paris is more like London; people are constantly going backwards and forwards, but at Madrid we know very little about what may be going on. I think it is right to mention that, because I must qualify my general answer to that extent.

51. *Chairman.*] Supposing any alteration to be made at Madrid, and you had an enumeration of all the proposed alterations, and of the proposed price, all that you would be dependent upon the architect for would be, as to the value; would you not be able to report whether it was expedient to make the alterations?—Yes; upon the mere expediency of course we should learn from other quarters.

52. If the expenses were larger than what you conceived necessary, could you not make an inquiry, and either confirm or reduce the estimate of the architect?—If you ask me whether an expenditure in the gross is expedient or not, we might learn it from other sources, from the Foreign Office, for example; but when we come to details, it is exceedingly difficult to check an architect's estimate for a house at Madrid. We do not know much about the price of materials, or the price of labour, or the manner in which business is done in that capital. That is what strikes me. I have not had any personal experience of it; but the difficulty is not so great in regard to Paris, because we know more about Paris.

53. Do you know anything about the expenditure on the chapel at Paris?—I know nothing personally about that matter.

54. Mr. *Wise.*] Will you state what system is now adopted with reference to the supervision of the embassy houses?—The present system at Paris is this, that for

for anything wanted we should rely on Mr. Albano, of course examining in all cases the amount of his estimate as well as we could.

55. There is a great deal of property in the embassy house that requires something more than an annual inspection; who has the local supervision of the embassy house; is there no officer at Paris who inspects the buildings, and sees that the house is kept in proper order, and that the furniture is taken proper care of?—We have no officer for that purpose.

56. Mr. Albano merely makes an annual inspection?—I presume the practice is, that he should go from time to time as occasion requires, we have not had occasion to send Mr. Albano at all to Paris during the present year.

57. What arrangements are made for the protection of this valuable house, and of the large amount of furniture there, which belongs to the British nation?—Of course it is insured; but we have no officer there. The Board of Works have nobody representing them in the residence at Paris.

58. Is there no inspector of the building and of the furniture; and is there no person who is appointed from time to time to go through the house, and see that the furniture and other articles of value are in good order?—That system was adopted for some years until 1851, when it was put an end to. Mr. Silveijra was an officer of that description; he was paid some small salary.

59. Was not it something like 40*l.* a year?—Something of that kind. Then, in addition to that, there was an architect employed by the Board to go over once a year to inspect the house.

60. Was Mr. Silveijra an architect of Paris?—Probably he was.

61. He was a kind of clerk of the works?—Yes; I am not sure that he was not called so. I suppose his functions were to be about the house, to see whether the building was in a proper state of repair, and whether the furniture was taken proper care of. That system was put an end to, because the fact was, that in 1851 it appeared that the building was in a wretched state, and also the furniture; and I conclude that that plan had not succeeded.

62. *Chairman.*] Has the ambassador any officer in his household to look after the furniture?—I do not know personally, but I should think there is some person whose duty it is to look to the furniture.

63. Do not you think that by having an officer of that kind daily superintending the state of the house, it is much more secure than it would be if an officer, sent to inspect the house, paid annual or half-yearly visits?—That plan did not answer before in the case of Mr. Silveijra.

64. Was not that a periodical inspection?—No; there was an officer there, Mr. Silveijra.

65. Did he reside there?—He was a Paris tradesman; he went through the house occasionally, examining the furniture, and so on; at least that was understood to be his duty. But, as I say, I know nothing at all about the matter personally in any way; it might be from the arrangement itself being imperfect that it did not succeed. There is a difficulty, no doubt, arising from sending an architect over once a year, from the fact that in the intervals between his visits the house and furniture might be very much damaged.

66. There is no one in the house regularly appointed; that depends entirely upon the ambassador himself?—Not that I know of.

67. If any deterioration were to take place in the quality of the furniture or state of the house, unless the ambassador sends to the employed person, there is nobody on the part of the Government to inspect the furniture?—No; there is nobody on the part of the Board of Works; nor do I know of any such thing on the part of the Government; nor do I know that Lord Cowley has any such officer.

68. Mr. *Wise.*] Is it not the fact that the drainage and the cesspools, and other matters of that kind, were totally neglected a few years ago, and does not that fact show that servants cannot be trusted to look after these matters?—Although in a private house these matters might be trusted to servants, I should not think it could be so in an establishment like that of Paris. I think the person in charge of the building must be an officer responsible to the Board here, or to somebody or other.

69. *Chairman.*] At present it is not so?—At present it is not so. At present the residence and property, and so on, is in the hands of the ambassador, except that Mr. Albano has been sent over from time to time to inspect them.

70. Mr. *Wise.*] I find in the Estimates that we pay 347*l.* for wages to servants,

A. Austin, Esq.

18 June 1856.

vants, who I therefore presume are responsible to the British Government; have not these servants a general supervision over the house?—They are not connected with the Office of Works, certainly.

71. Are they not connected with the embassy as official servants?—I do not know.

72. *Chairman.*] You do not know of any such persons being paid by the Government of this country, and you cannot say what their duties are?—No; as far as I myself am concerned, I do not know anything about them. I have stated the amount voted for the ambassadorial residence, and the actual expenditure. The next information which I have gathered from the correspondence is the amount of Mr. Albano's bills during that same period from 1852 to the end of 1855.

73. Mr. *Wise.*] That is from the commencement of the proceedings in Paris?—Yes. In 1852 his bill was 1,134*l.* 1*s.* 6*d.*; in 1853 it was 655*l.* 4*s.* 6*d.*; in 1854 it was 426*l.* 16*s.* 6*d.* In the same year, there was a bill respecting the projected Protestant church in the Rue d'Anjou, amounting to 54*l.* 9*s.*

74. Was that a bill for plans?—For various matters connected with the scheme; there are some stables belonging to the embassy in the Rue d'Anjou, and there was a project for building a church upon part of the site; and this expense was for surveying and so on. In 1855 his bill is 608*l.* 17*s.* 6*d.*; during the same year the chapel of the embassy was fitted up on account of Her Majesty's visit, for which Mr. Albano's bill was 337*l.* 12*s.* 6*d.*; altogether, the bills which I have mentioned amount to 3,217*l.* 1*s.* 6*d.*

75. *Chairman.*] Do those two last sums make the aggregate of 946*l.* 10*s.*?—That sum is an aggregate of Mr. Albano's account for 1855.

76. Is there anything proposed to be taken in the accounts for next year in order to pay Mr. Albano's bills, and if so, how much?—Upon the estimates being considered at the Board of Works this year, the amount of his bills was referred to; and it was necessary in drawing up the estimate to consider the expense of the superintendence of the ambassadorial residence at Paris, and it was thought that 200*l.* would be sufficient; but I should say that that was rather a speculative sum than not.

77. You proposed that sum to cover Mr. Albano's charges for the coming year?—Yes, but I think that was rather a speculative sum than not; for, among other changes in our office, there was a change in the Surveyor of Works; and it was contemplated as possible that, the communication between Paris and London being so easy, our own surveyor might occasionally, if necessary, visit the ambassadorial residence there, who would only charge for expenses, the time of going over of course being comprised within his salary. But nothing could be settled at that time as the whole matter was not arranged, and it was thought better, therefore, to take a sum which would cover all expenses which we might be put to by Mr. Albano, if he should be sent over two or three times in the year.

78. Was this sum the result of any communication with Mr. Albano?—No, it was calculated upon our consideration of what might be necessary.

79. Mr. *Wise.*] By using the word "speculative" with regard to this estimate, do not you mean that it is the maximum?—It would cover everything that might arise.

80. Are you aware what the expense used to be previously to the year 1852?—No.

81. You have not heard that it was a general charge of 50*l.* a year?—Mr. Silveijra had a fixed salary of 40*l.* a year, and there were certain extras that made an additional charge; and Mr. Burton, who was the architect that went over occasionally, was of course remunerated for his trouble.

82. *Chairman.*] Can you tell the Committee what the annual expenditure in former years was, including those two salaries?—I do not know.

83. Are there any means by which we can arrive at it?—I have tried to get at the facts as to the actual expenditure, and it would appear to be about an average of 1,100*l.* a year, including the professional expenses. For the ordinary purposes in the ambassadorial residence, the ordinary repairs, I believe that with the professional remuneration the expense amounted to about 1,100*l.* a year.

84. Mr. *Wise.*] Have you seen the Parliamentary Papers relating to the British ambassadorial house at Paris?—I have gone through the original correspondence.

85. Have you not noticed that according to the statement contained in those papers

papers the architect's commission of five per cent. amounted to 70 *l.*, 49 *l.*, 34 *l.*, 34 *l.*, and 34 *l.* during five years consecutively?—I do not remember seeing that document, but I remember seeing among the papers a calculation that the ordinary expenses of the house, including the professional remuneration, did not exceed 1,100 *l.* a year.

86. By this statement, for six years it was 6,780 *l.*?—I have looked at that statement, and I think it is fallacious.

87. Do you think that it is in excess of the average?—I think the average is about 1,100 *l.*

88. *Chairman.*] From 1852 to this time, are the Committee to understand that 11,763 *l.* has been voted by Parliament?—Yes; the first item is included in the Estimate of 1852–53.

89. And of that sum you say 10,129 *l.* 7 *s.* 3 *d.* has been actually expended?—Yes.

90. And with respect to that sum of 10,129 *l.* 7 *s.* 3 *d.*, the claim of Mr. Albano alone is 3,217 *l.* 1 *s.* 6 *d.*?—Yes; the expenditure about the establishment at Paris is 10,129 *l.* 7 *s.* 3 *d.*, irrespective of anything paid to Mr. Albano. He will explain several things to you; for instance, the value of his labour at Paris in the examination of old accounts, &c. I wish to confine myself to the mere facts I have learnt from the correspondence.

91. All this took place before Sir Benjamin Hall came to the office he now holds?—Yes. I am able to speak to Mr. Albano's personal accounts more in detail. First of all there are his settled accounts; with reference to the first account of 1,134 *l.* 1 *s.* 6 *d.* (which is the account of 1852), I was about to state to the Committee the course of business in the office. In October 1852, he was paid 200 *l.*; in March 1853, 200 *l.*; in August 1853, 400 *l.*; and the balance of 334 *l.* 1 *s.* 6 *d.* he received in March 1854. Then his bill for 1853, which amounts to 655 *l.* 4 *s.* 6 *d.*, was paid in this way. On 4 May 1855, he received 200 *l.* on account; in August 1855, 200 *l.*, and on 1 March 1856, 255 *l.* 4 *s.* 6 *d.*, which was the balance; that is the only transaction in reference to that account since Sir Benjamin Hall has been Chief Commissioner, and I have been in the office.

92. Mr. *Marjoribanks.*] Has there been any interest allowed upon that balance?—No; at least, none that I am aware of has been allowed or paid.

93. *Chairman.*] You state this in order to illustrate the usual mode of paying these accounts?—Yes, that is part of the system of management. As I said before, the business of the office was not in a very orderly state when I came there; and it was some time before I could feel my way, or know anything about it. When I had been there about two months, I began to make inquiries about this matter, and I found that Mr. Albano was requesting some payment on account of a bill in 1853, and also on account of subsequent bills, which I will mention to the Committee presently. I then got together such information as I could and, finding that the bills of 1854 and 1855 had not been sent in to the office, I resolved to make no further payment on account; and I also told Mr. Albano that I did not think myself justified in settling the bill of 1853 until I had the subsequent accounts sent in. That was at Christmas; but then he represented, which appeared to be the fact, that there was a considerable sum of money due to him, upwards of 1,200 *l.*, and that it was a matter of inconvenience to him to be kept out of his money. I agreed that he should have 200 *l.* upon account, but with liberty for me to place it against any bill that should be considered necessary. I also at the same time said that I would not settle the bill of 1853 until I had the subsequent bills; and the 200 *l.* was, so to speak, severed from the rest of the transaction; on the 29th or 28th of February the bills came in in a short and condensed form, which are here upon the table; and upon the 1st of March I paid the balance of the bill of 1853 which had been previously examined and passed by our office; the bills of 1852 and 1853 are therefore settled. They were, by the payment on the 1st of March, of 253 *l.* 4 *s.* 6 *d.*

94. Mr. *Wise.*] You have stated that sums of 200 *l.* and so on, were paid upon account to Mr. Albano the architect?—Yes.

95. Was not the first payment made by the instructions of Lord John Manners?—I do not know whether it was so or not; it was in 1852; if Lord John Manners was in office in 1852 it would be so.

96. Is there any record of the Board of Works, that any arrangement or contract was made with Mr. Albano, before he went to Paris, as to the terms upon which

A. Austin, Esq.

18 June 1856.

which he went, or did he go and discharge his duty there and send in his bill afterwards?—My impression is that there was no previous arrangement made with Mr. Albano as to the matters of first bill in 1852. I am disposed to think that there was no arrangement made with Mr. Albano, as to the terms upon which he was to be employed when he first went in 1852. My ground for thinking so is, that when the bill was sent in, which is dated the 31st March 1853, the bill was for 1,459 *l.* 11 *s.* 6 *d.* As I have already stated, it is now 1,134 *l.* 1 *s.* 6 *d.*; but when it was sent to the office, it was 1,459 *l.* 11 *s.* 6 *d.* The difference in the charge is owing to the fact that the charge in the bill for his time was five guineas a day, and was afterwards, upon the bill being sent in, reduced to three guineas a day.

97. Do you assume from that fact, that when the architect was first despatched to Paris, he went there without any contract with the Board of Works?—I cannot find any contract or arrangement made with him at that time; and I infer that there could not have been any very distinct understanding as to the terms upon which he was to go, else he would not have charged five guineas, of which two guineas were afterwards taken off. I do not find any contract or agreement with Mr. Albano respecting his visit to Paris, nor do I find any contract respecting any bill. But I should say that when Mr. Albano, in the year 1850, went to Madrid, there was an understanding as to what he should receive.

98. *Chairman.*] When those sums which you have referred to were paid, was there any bill sent in, or any statement made of his services, or were those sums each time paid merely on account of supposed services?—The first two sums of 200 *l.* in October 1852 and March 1852, I think were paid before the bill was sent in.

99. Did you find stamped receipts in the office when you came into it?—There is no stamped receipt annexed to Mr. Albano's bill. I have not looked for stamped receipts, but I do not think there are any.

100. When those two payments were made to Mr. Albano, was not the office quite in the dark as to the amount of his probable claim?—Not perfectly in the dark, because a correspondence had been carried on between the office and him; and it was well known that he had been in Paris upon that work to which the claim related.

101. You have not found any statement of his claim?—I have not found any.

102. The four payments which you have enumerated make 1,134 *l.* 1 *s.* 6 *d.*, and the bill was for 1,459 *l.* 11 *s.* 6 *d.*; and the discrepancy between the two sums was caused by the reduction from five guineas to three guineas; is not that so?—The discrepancy was caused by the reduction from five guineas to three guineas per day for the time during which he was employed.

103. Mr. *Wise.*] When was it that that reduction was made from five guineas to three guineas?—The bill seems to have been sent to the office on the 31st of March 1853; that is the date of it. There was no stamp used in the office at that time.

104. *Chairman.*] Is there a stamp used now?—Yes; Sir Benjamin Hall introduced it.

105. And every article that comes in is impressed with the date of its arrival?—Yes. With regard to this bill, I can say that it is not earlier than the 1st of March 1853.

106. Or how much later you cannot tell?—No. There is a memorandum from our then surveyor of works, Mr. Inmann, dated the 22d of May 1854, relating to the very point of the charge of five guineas instead of three; so that it took place about that time. I suppose that the change was caused by that memorandum.

107. Mr. *Wise.*] Can you state when Mr. Albano was first sent to Paris?—It was in the end of the year 1852.

108. Mr. *G. A. Hamilton.*] Was there any minute sent to the Board of Works at the time?—Yes; I can give the minute exactly. I believe that the matter originated from communications with the Foreign Office on 3d May 1852 and 16th June 1852. Those communications were laid before the Treasury by the Board of Works, in a report made to the Treasury, recommending that Mr. Albano should be sent to Paris. The date of that report is the 28th June 1852. On the 8th of July the Treasury wrote this letter signed by Mr. Hamilton: "My Lords and Gentlemen,—I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, that in compliance with the suggestion contained in the letter of the

the Chief Commissioner of Works, dated 28th ultimo, their Lordships are pleased to authorise the employment of Mr. Albano to proceed to Paris, to inspect and report upon the state of the ambassador's house and the repairs thereto, which he considers are actually necessary."

109. In the communication of the Board of Works to the Treasury, was there any statement made of the terms or arrangement upon which he was to proceed to Paris?—Not in the report to the Treasury.

110. *Chairman.*] Are not these letters recorded in any book in the office?—I am not sure whether they were at the date of 1852. They were subsequently; but whether they were in 1852 I cannot say.

111. Would not there be an entry in the book in ordinary cases?—Yes; the course of business is this: that a letter would be sent to Mr. Albano containing the instructions; that would be copied into a book.

112. Mr. *G. A. Hamilton.*] The report suggested that he should be sent to Paris for the purpose of examining and reporting?—Yes, the last question had reference merely to the time when he was first sent. He was first sent to see what was necessary to be done; he made a report when he came back, and then he was sent again.

113. *Chairman.*] Were there any terms made with Mr. Albano before he went to Paris?—The answer from the Lords of the Treasury, which I have read, was written on the 8th of July 1852. Then on the 19th of July 1852 this letter was written to Mr. Albano from Mr. Philipps, directing him to proceed to Paris, and stating that the British ambassador had been instructed by the Board to afford him every aid in his power. I have also the instructions which were given to Mr. Albano which accompanied that letter.

114. Is there anything in those instructions with reference to terms?—I do not remember anything in those instructions upon that subject. Knowing that I should have to appear before this Committee I read all the correspondence a few days ago with care, and I do not remember any arrangement of any kind as to terms. The only thing I have met with is the bill which I mentioned just now, which shows when the rate of payment per day was reduced from five guineas to three.

115. Before this period is there any entry as to the mode or the amount of payment promised to Mr. Albano for services rendered?—There are entries of the amount of payment, but I do not know of any entry of the mode of payment. I thought it necessary to get these details; but I know of no entry in any book; and I know of nothing in the correspondence except that which I have just referred to as to the reduction in the daily rate of remuneration, which would show any terms between the Board of Works and Mr. Albano. To continue my statement, I may observe with regard to the payments made to Mr. Albano, that they were all made on account.

116. The last payment you mentioned was 235 *l.* 4 *s.* 6 *d.*, which you declined to make till you had subsequent accounts sent in; is not that so?—Yes; I said I did not know the business of the office, and I should wish to have all his accounts sent in; but in order not to put him to any inconvenience, on the 1st of January I gave him an order for 200 *l.*, upon the distinct understanding that I might apply it to any account I pleased, and when he sent in the bills I immediately paid off the balance of the bill for 1853; since that time there has been nothing paid to him on account.

117. Nothing on the bills of 1854?—No; I think they came in on the 28th of February, and then they came in in a skeleton form merely, and they have not been examined yet. There are unsettled bills of his in the year 1854, one for 426 *l.* 16 *s.* 6 *d.*, and another for 54 *l.* 9 *s.*, in reference to the Protestant church. There is a piece of ground in front of the embassy stables in the Rue d'Anjou, and he surveyed it for the site; then there is the bill for 1855 for 608 *l.* 17 *s.* 6 *d.*; and then there is a bill on the occasion of Her Majesty's visit last summer of 337 *l.* 12 *s.* 6 *d.*; these are all unexamined up to the present time.

118. Mr. *Wise.*] Are the charges in these bills in the shape of payment per day, or of a per-centage upon the work done?—In the first bill there are eight items; the second bill is given considerably more in detail, including travelling expenses and so on, day by day and item by item. The bill of 1852 contains eight items; the bill of 1853 is much more in detail. Then as to the remaining bills, the one for 1854 is, as I stated, in a skeleton form; and the bill for 1855

A. Austin, Esq.

18 June 1856.

is very much in the same shape. I understand that Mr. Albano was much occupied in the winter, and he had a great deal of trouble in getting out the accounts. He said it was only sent in in this form in order to answer my purposes; it was only to show the total amount in order that it might be seen in what position we stood with reference to him. I have the next bill for 1855.

119. Do those bills develope a charge of so much for so many days, or were the charges made at a per-centage for work done?—No, they are charges per day.

120. Were they always per-day charges?—I think in every case the charge is per day.

121. Mr. *G. A. Hamilton.*] Does not the bill for 1853 contain, for the most part, charges at the rate of three guineas a day?—Yes; that principle of payment, I think, is common to all the bills.

122. Mr. *Wise.*] Does not it also contain charges for plans and drawings?—Yes, and for travelling, and various other expenses; I cannot tell exactly what they are.

123. *Chairman.*] Will you hand in copies of those bills to the Committee? (*The same were handed in.*)

124. Mr. *Wise.*] You have mentioned another bill for the projected churchn the Rue d'Anjou; have you that?—Yes; I have handed in a copy of that with the other bills.

125. I find among the duties imposed upon the Government architect, is that of inspecting the service of plate attached to the embassy house; can you give me any information as to the service of plate at Paris. Does the architect appointed by the Board of Works superintend it?—I suppose he inspects it as part of the furniture of the house, but I do not know.

126. I find in the architect's statement that a sum of 207 *l.* is required for replacing 53 lbs. of entirely useless plate; how does that matter come under the supervision of the Board of Works?—I can explain it in this way; it is part of the furniture which we have to supply. I observed that item in reading the correspondence.

127. Do you know who has the charge of the service of plate in Paris?—As I said before, it is in the hands of the ambassador. There is no officer of the Board of Works who has the charge of it that I am aware of.

128. Do you know the total value of it?—No, all those things remain to be ascertained.

129. Have the Board of Works supervision over it?—I dare say it is the duty of the Office of Works to know something about it, but heretofore the office has not had any record of the furniture that is supplied to the various Government offices, including the ambassadorial residences. But it has been a duty in which we have been busy this winter in getting inventories of such furniture. I have 70 or 80 heavy inventories of furniture which did not exist before. Our operations have not reached Paris and Madrid yet, but if matters continue as they are, and we continue to have charge of the furniture, we shall have inventories of it soon; I am not aware of any inventories in the Office of Works, including the plate of the ambassadorial residence in Paris.

130. Do not you think it desirable, the Board of Works having that inventory, that there should be some responsible person to compare it, at stated intervals, with the furniture in the ambassador's house?—Yes; so far as the houses in England are concerned that is to be done. Perhaps some difficulty might exist with regard to Paris and Madrid as to the person upon whom we could impose the duty; of course it might be done, but the question is one of arrangement, which at present I am not prepared to speak about.

Benedict Albano, Esq., called in; and Examined.

B. Albano, Esq.

131. *Chairman.*] WHAT is your profession?—I am a Civil Engineer and M. J. C. E., &c.

132. How long have you been employed by the Government?—Since 1850.

133. What was your first employment?—I surveyed the embassy house at Madrid.

134. When

134. When were you first employed with regard to the ambassadorial residence at Paris?—Subsequently to that, in the year 1852.

135. Have you continued in that employment from that period to the present time?—Yes.

136. You have heard Mr. Austin's statement, of a sum of 10,029 *l.* 7 *s.* 3 *d.* having been expended upon the ambassadorial residence at Paris, during those years to which we have referred; is that correct?—I do not think that is correct, and I shall be able to correct a few mistakes in it. The sum of 11,763 *l.* has been voted from 1853 to 1856 for ordinary works and special services since that date; and the sum of 10,129 *l.* 7 *s.* 3 *d.* has been expended upon repair, improvement, and maintenance of the structure, for repair of the old furniture, and supply of new furniture.

137. Is that upon the ambassadorial residence at Paris?—Yes.

138. In what years?—Since 1852.

139. Up to what period?—Up to 1856.

140. To what month in 1856?—To March 1856; last March.

141. Was that expended under your superintendence?—Yes.

142. Can you tell us what that was for?—A great part for substantial repairs on the house, stone and brickwork, timber-work, plumbers, painters, and gilding; all works upon the structure.

143. Was that all expended upon the building itself?—That was all expended upon the building itself, including repairs of old furniture and purchasing new furniture.

144. Can you give us the separate items of what was spent for new furniture, what for old furniture, and what for the fabric of the house?—I can give you a general statement, but not a detailed statement of the whole at this moment.

145. Will you give it as nearly as you can?—I beg to state to the Committee with reference to a question put to Mr. Austin, that no works have been proceeded with in Paris, except after an estimate sent in by me and sanctioned by the Board of Works. The estimates sent in I have in a book.

146. Mr. *G. A. Hamilton.*] Is not the estimate transmitted by you on the 27th of August, contained at page 14 of the printed Papers?—Yes.

147. *Chairman.*] You always sent an estimate before any expenditure was made?—Always, to a penny.

148. Will you give the Committee the particulars of the works upon which you have been engaged, commencing with 1852?—In 1852 I made out three estimates in accordance with my instructions.

149. Will you state the expenditure upon those works?—It has never been beyond the estimate; one of these estimates was 2,652 *l.* 4 *s.* 3 *d.*; the second estimate was 4,075 *l.* 2 *s.* 4 *d.*

150. Mr. *G. A. Hamilton.*] Was not that sum of 4,075 *l.* 2 *s.* 4 *d.* for works which were postponed?—Yes; then there is a third estimate of 748 *l.* 18 *s.* 2 *d.*

151. *Chairman.*] Were all these estimates made in that year?—Yes.

152. Will you tell the Committee what amount of that expenditure was for new furniture, what for old furniture, and what for structural works?—I find in the third estimate "44 additional benches and footstools for the chapel, 262 *l.* 12 *s.*" The chapel was formerly in the ball room, now it is in the dining room; in the first instance the ball room was converted into a chapel.

153. Mr. *Wise.*] How was it that you first spent 250 *l.* in changing the ball room into a chapel, and then 451 *l.* in reinstating the ball room, and then 357 *l.* in preparing the dining room for a chapel, and then 354 *l.* more for preparing the chapel for the Queen?—The first operation was done before I went to Paris; the ball room was adapted for the service of the chapel; afterwards it was felt that it was not decent to have one day a ball in that room, and the next day a service, and I had authority for preparing an estimate for transferring the service of the chapel from the ball room to the dining room, which I did.

154. Is the service held there now?—The service is held there now; occasionally these rooms are opened for a grand soirée.

155. *Chairman.*] What was the amount spent upon the chapel?—£. 262. 12 *s.* for benches, &c., and 34 *l.* 19 *s.* 6 *d.* for sundry works, making altogether 297 *l.* 11 *s.* 6 *d.*

156. Mr. *Hamilton.*] How does it come to pass that a sum apparently so large as 262 *l.* 12 *s.* should be estimated here for putting up additional benches

B. Albano, Esq.

18 June 1856.

and footstools in the chapel?—Forty-four of them covered with velvet, would cost that amount.

157. Was there any expenditure upon the ball room, beyond merely the furniture of the chapel; did you alter the style of fittings of the ball room?—The ball room was refitted after the service was removed from the ball room to the dining rooms. This is a large room, containing 15 new benches, which amounted to 112 *l.*, and it was done in the most economical manner under my own immediate direction, which, together with the fitting of the throne and ball room, amounted to 451 *l.* 6 *s.* 8 *d.*

158. Mr. *Majoribanks.*] How many people do the new benches accommodate?—Nearly 400.

159. How soon was that altered again?—The rooms stand so at present, with some alterations made for Her Majesty. No alteration was made in the chapel since that date, except the removal of all the fittings when the rooms are used for a grand soirée; and the 550 *l.* 4 *s.* 3 *d.* spent upon the occasion of the Queen coming to Paris was not only for the chapel, but for the cleansing of the anterooms to the chapel, and for carpets for the chapel and the anterooms, and some other fittings which were necessary at the time, for the rooms connected with the chapel, and for the verandah, which was in a very bad state; the expense came to that amount. I found also on examining the room-doors, the lintels of the doors where Her Majesty was to sit, were all rotten, and I was obliged to remove them and have wrought iron lintels in their place. That work was done without stopping, night and day for several days, to get it ready for Her Majesty.

160. *Chairman.*] Are the Committee to understand that the works for which 207 *l.* 11 *s.* 6 *d.* was expended still remain in the chapel?—Yes, it amounted to 297 *l.* 11 *s.* 6 *d.*

161. And that no other works have been carried out in the chapel excepting those which were executed at the time when the Queen went there?—That is so.

162. Mr. *Wise.*] Did Her Majesty go to the embassy chapel?—Her Majesty did not go to the service; but Her Majesty came to the chapel on the Thursday following, and inspected its arrangements, as well as the state apartments, the garden, and the apartments on the first floor, occupied by the Ambassador.

163. *Chairman.*] How much was expended upon the chapel on that occasion?—£. 550. 4 *s.* 3 *d.* was actually paid.

164. Was that in pursuance of an estimate?—It was in pursuance of an estimate which I sent from Paris when I was ordered to stop at Paris.

165. You sent the estimate to England?—Yes.

166. Had you an answer to sanction those estimates from this country?—I had the sanction from the Chief Commissioner to do the work on the 16th July 1855.

167. Who was the Chief Commissioner then?—The late Sir William Molesworth.

168. Mr. *Wise.*] How long were you in Paris upon that occasion when you sent in an account of 337 *l.* 12 *s.* 6 *d.* for superintending the chapel improvement?—I was kept in Paris 70 days as desired.

169. Do I understand you correctly to say that you were detained in Paris 70 days for the purpose of superintending the improvements to be made in the chapel?—There were other works going on at the time.

170. *Chairman.*] Can you give the Committee the date when you sent in your estimate for the improvement of the chapel in anticipation of Her Majesty going there?—My estimate for that purpose was 553 *l.* 16 *s.* 9 *d.* for the alteration not only of the chapel, but of all matters connected with the service, dated 14th July.

171. Whom did you send that to?—To the Board of Works, and I have with me the answer which I received, dated 16th July.

172. Will you explain how you expended the 11,763 *l.* in 1852; how much did you spend upon new furniture, how much upon old, and how much upon the structures?—£. 431. 17 *s.* 6 *d.* was laid out upon new furniture.

173. What was laid out for the repairs of old furniture in that year?—£. 40. 2 *s.* 6 *d.* was spent in those repairs.

174. What was laid out upon the building itself in 1852?—£. 1,073. 9 *s.* 9 *d.* was spent upon the building, making a total of 1,750 *l.* 16 *s.* 5 *d.*

175. Are those all the sums which were expended in that year upon those three items?—

items?—No; but I can only give you the details of the other sums in francs: 1,000 francs were paid to Mr. Silveijra besides some disbursements.

176. Mr. *Wise.*] Was that for his commission?—It was salary to him of 40 *l.*, and there were some extra expenses which he had incurred. The sum of 67,077 francs 73 centimes, and another list of the same date of 44,546 francs were expended in the following year.

177. *Chairman.*] Will you tell us what this expenditure was for?—For additional works, carpenters, locksmiths, painters, plumbers, glaziers, zinc work, &c., all belonging to the structure of the house, or nearly the whole of it.

178. How came such a large outlay to be necessary for the repair of the structure between 1853 and 1854, when you had expended 2,652 *l.* 4 *s.* 3 *d.* in the year before?—The structure was in such a dilapidated state, that 20,000 *l.* would not repair it.

179. Mr. *Wise.*] You were sent to Paris in 1852, to inspect the embassy house?—Yes.

180. What was the state of the embassy house when you went there?—It was in the most unfit state for habitation.

181. Will you tell us in a few words what was the state of the rooms and of the carpets, and the property generally in the embassy house?—The embassy house was in a very poor state indeed; the carpets were all full of grease, the furniture and curtains of the ground floor, which contains the State apartments, were all in a very dirty state, and past service, as well as the carpets, hangings, and furniture of the first floor.

182. What was the state of the house, of the roof, and of the premises generally?—Very large and extensive repairs were wanted in the building. The sewers had been neglected, and the cesspool had been neglected for years, and part of the floors were in a very bad state; nearly all the timbers which I could have access to I found rotten, and the furniture and fittings in the same proportion.

183. As there had been an annual inspection of the hotel by an eminent architect, and a report, how do you account for this state of things?—I found there had been an annual expenditure of 1,100 *l.* during those years.

184. How do you account for this state of things, after, as you state, an annual expenditure of upwards of 1,100 *l.*?—I think, in justice to all parties, the Committee should take into consideration the size of this house and its bad construction.

185. How do you account for this state of things?—By neglect.

186. How do you account for reports having been annually made, and the ambassador residing in the house, and having no intimation of the defects which existed in the embassy house?—I was not over the house at the time, but I suppose that the family of the ambassador was more limited, and they occupied only a few rooms in proportion; but that when Lord Cowley with his family occupied more rooms, he found them in such a state that no one could live in it.

187. Was Lord Cowley there when you first went there?—Immediately after Lord Cowley went there I was sent to Paris.

188. As there was constant communication between the ambassador and the Board of Works, how do you account for this state of things continuing?—I have my doubts whether the whole money was applied for the purpose to which it was voted.

189. Who received the 1,100 *l.* that was voted by the House of Commons for the annual estimate in the last six years?—As it is stated in one of the reports, I found tradesmen going over the house and judging for themselves what works were wanted to be done.

190. *Chairman.*] You found it so when you went there?—Yes.

191. Mr. *Wise.*] Knowing, as you do, that in the years 1825 and 1826 Messrs. Wyatt & Smirke spent 25,000 *l.* in the embassy house, and that in 1840 and 1841 they spent 9,000 *l.*, and that the house in 1849 was painted, and had been painted every intermediate year; how do you account for the condition of the embassy house when you went there in 1852?—Part of the building is very old; it is badly built, and the timber work is of a most rude and defective construction; it is dry-rotted to a very great extent.

192. How do you account for the British Government purchasing that house

B. Albano, Esq.

18 June 1856.

in the year 1815, and giving 36,000 *l.* for it when it is in that state?—Of all the contracts that I have had before me, that purchase by the late Duke of Wellington was one of the most advantageous; it was bought in 1814 for 20,000 *l.*, and it is now worth from 100,000 *l.* to 120,000 *l.*

193. You stated that the rooms were very dirty, and the carpets were spoiled, and the sofas and chairs were in a disgraceful state, and the whole of the decorations were in a disgraceful state; have you not heard, that after the departure of the last ambassador a public auction was held in these state apartments, and that the carpets remained down, and the public of Paris were admitted into these rooms, and that the national property was thereby extremely damaged?—Yes, I reported upon that as one of the causes of the mischief that ought not to have been allowed; because, when that is allowed in any embassy, nothing is left in a good state; all the carpets go to pieces.

194. Does it account, to some extent, for the destruction of the carpets, and the injury done to the property in the embassy, that an auction had been permitted in the state apartments?—Partly.

195. *Chairman.*] The outlay which has been made upon the structure was insufficient to bring it into tolerable repair, and what you laid out was essential?—Exactly so.

196. How did you lay that sum out; did you give it out by tender, or did you superintend the outlay?—Sometimes by tender, and sometimes by day work; but it was very seldom indeed that I let it out for tender; the work required my attendance from morning till night; and I was there from five o'clock in the morning till six o'clock at night, if necessary.

197. And you remained there during those hours?—I remained there during those hours till it was completed. I took one of my assistants who spoke French well, and left him there; and when I went there at five o'clock in the morning, I found that the tally was not properly kept, and I was obliged to do it myself for some time.

198. Can you give the Committee the whole of the expenditure in the years 1853 and 1854?—The first sum was 56,707 francs 73 centimes; and the second was 44,546.

199. What was that second amount spent for?—Also for substantial repairs, except that there are two items for the repairs of candelabra in the room; the other part is for the building.

200. Is that the entire expenditure for the year?—Yes, except my own remuneration.

201. Will you state the expenditure in 1854 and 1855?—There are three lists; the first one contains a payment of 13,072 francs.

202. What was that for?—Partly for the building, and partly for the furniture.

203. Can you distinguish how much was for each?—There are for furniture three items, making altogether 1,274 francs, for the repair of the furniture; and the remaining 11,798 francs was for the repair to the building, masons, gas works, ironmongers, locksmiths, and so on.

204. Was that the whole of the expenditure in that year?—Not one quarter of it; that is one list. Then comes the next list; the next list amounts to 45,888 francs.

205. *Chairman.*] Will you furnish to the Committee the amount spent in the years 1852, 1853, 1853-4, 1855-6 for the structure, the new furniture, and the old furniture. (*The same was delivered in*).

Vide Appendix.

206. Is this a copy of your bill (*the same being handed to the Witness*)?—It is a copy of my bill; it is not my original bill.

207. What is the amount of it?—£. 1,470 1 *s.* 6 *d.*, which was reduced afterwards; and I may be allowed to state that when I first had the honour of being employed by the Government, I was called upon to go and make a survey for a few days, and though I had large works in England, I accepted it on the understanding that I should have the remuneration of three guineas a day; but owing to the protracted delay, I demanded five guineas a day as per Report in Parliamentary Paper, No. 950, in the Session of 1853, page 34.

208. What is the sum to which it was reduced?—It was reduced from five to three guineas.

209. After that reduction, to what did your bill amount?—£. 1,134. 1 *s.* 6 *d.*

210. How do you explain such a large amount paid to yourself as 1,134 *l.* 1 *s.* 6 *d.*,

1 *s.* 6 *d.*, for superintending the expenditure of 2,652 *l.* 4 *s.* 3 *d.*?—This is the bill of 1852, and besides the work in the chapel and the ball-room, there were repairs in the house going on at the same time.

211. You gave the Committee an expenditure of 3,420 *l.* as the total expenditure in 1852; your charge for superintending that expenditure is 1,184 *l.* 1 *s.* 6 *d.*; is not that so?—I will read what I stated to the Board at the time in my report. "I beg leave to submit to your Board's consideration the accompanying statement of my professional remuneration, personal, travelling, and incidental charges already incurred, with the estimate of further probable charges to be incurred, as demanded by your Board's instructions." I scarcely expected at the time that I should be kept in Paris the length of time that I was, which was really lost time to me.

212. How long were you in Paris?—I was there from the 19th of July to the 27th of August 1852. There is an item in this account of work done during that time of 186 *l.* 11 *s.* 6 *d.*

213. How long were you there altogether?—One hundred and sixty days, besides the time employed for the first survey.

214. Do you think it requisite that you should have been there for 160 days superintending that outlay of 3,420 *l.*; could not you get a clerk of the works to superintend it?—I have, I think, said that Lord Cowley asked me if I would have the protection of the police, so unruly were the tradesmen at the time. There was a regular clerk of the works, who spoke good French. This amount comprises the first survey and the work afterwards, and all other expenses connected with it.

215. It appears from this account that you were 160 days in Paris upon the service for which your original charge was 840 *l.*, which was subsequently reduced to 504 *l.*, and there is also a charge for the time and personal expenses of an assistant, of 252 *l.*; and then there is another charge of 186 *l.* 11 *s.* 6 *d.* for the expenses from the 19th of July to the 27th of August?—Yes, that is so.

216. Mr. *G. A. Hamilton.*] Did it ever occur to you that the expense of supervision bore a very large proportion to the expense of the repairs?—Certainly.

217. Did you communicate that impression to Lord Cowley or the Board of Works at the time?—I did. I stated in my report at the time that it was a large expense, and a loss to my business; but there was no remedy; I could see no remedy.

218. From the nature of the works does it appear to you that the services of a professional gentleman of your position, charging three guineas a day, were indispensable?—I considered in good faith that it was necessary that I should not remove my eyes from the work. Lord Cowley, if he was present, I have no doubt would tell you that I did my duty.

219. *Chairman.*] Do you think that a person of your description, valuable as your services were, should have been employed to superintend that work?—Not if a competent clerk could be got. I got one from England, and he was spoilt in two or three months.

220. Do not you think that if you had given a specification of the work, and of how it should be done, to the clerk of the works, he could have seen that specification carried out?—A very steady man might do it.

221. Do not you know that in large contracts in this country, involving 20,000 *l.* or 30,000 *l.*, the clerk of the works carries them out without the superintendence of an architect?—It is so; but the fact was, that in Paris there was no clerk of the works to be found who could do the work.

222. Had not you a clerk of the works who was paid a guinea-and-a-half a day?—Yes, for a short time.

223. Do not you think that if you had left him instructions how the thing was to be carried out, he would have seen it carried out?—If my presence had not been necessary, I should not have been there.

224. Were you not there 160 days?—I was.

225. Did it not occur to you that, as you had authority from the Government, it would have been in better faith and better principle to have employed a man to carry out your suggestions, rather than have remained there yourself?—It appears so upon the mere glance, but it is not so really.

226. Did you make a report, or did you not, to the English Government or to Lord Cowley, to the effect that your presence might be dispensed with?—I reported to the Board at the time by a written report, and personally by a verbal report; but

B. Albano, Esq.

18 June 1856.

but I could see no means of stopping what had been going on for 20 or 30 years but by personal exertion and attention to it. It was a sacrifice of my professional time.

227. Mr. *Hamilton.*] You referred in one of your reports to some kind of understanding that appears to have existed between the tradesmen of Paris and the gentleman who was your predecessor as architect; do you allude to that?—Yes. The practice before that time was that the bills were sent in to Mr. Silveijra; he never surveyed the work, and the bills were passed with the understanding that from 20 to 25 per cent. should be reduced from the original amount.

228. Was it in consideration of those abuses that had existed previously, that you thought it necessary to remain yourself at considerable cost to the Government to supervise the works in progress?—Not only that, but I felt rather that my own character might be involved in it.

229. Mr. *Wise.*] Did not you find that you had to contend with a system of imposition that had been tolerated by Mr. Silveijra and others?—Yes; it is stated so in the report; and I must say that Lord Cowley often said, "Mr. Albano, I will send to the police to protect you if necessary."

230. *Chairman.*] What protection was necessary for you?—The workmen would come in and do the work without any orders; they said they had a right to come in and repair as before.

231. Was not it possible at Paris to get a contractor to do the work?—No; a contractor would not repair without a specification. The repairs were increasing every day, so that there would have been no saving in letting it out to contractors.

232. Was it necessary that you should remain there to see these little patches of work done day by day?—They were not very little patches, because 3,000 *l.* is a large amount in Paris.

233. You with your assistant, were paid nearly half the 3,000 *l.*; were not you paid 1,134 *l.* 1 *s.* 6 *d.*?—That sum comprised 186 *l.* 11 *s.* 6 *d.* of remuneration for the first survey, which should be deducted from that sum, and 443 *l.* 10 *s.* for disbursements, which leaves 504 *l.* for my professional remuneration.

234. Do not you think that as you were sent over separately to make a survey of this building, and to see what was requisite for it, and as you remained there a sufficient time to make yourself acquainted with the place, you could have embodied in your plan such a statement of what ought to be done, that any English clerk of the works or contractor could have gone over to carry it out?—No, I could not have done that at the time at all; I reported to the Board the position in which I was at the time, and I requested the Board that Mr. Silveijra should be dismissed, or that they should leave me at liberty to return home. The Board determined to dismiss Mr. Silveijra, and I could not do anything in the house till he was gone; he and the upholsterer who had the charge of the furniture, besides all the tradesmen whom they had been employing, as it is very plainly stated in the report, would not allow anything to go on. Mr. Silveijra and Mr. Isouard threatened to bring an action against the Board about their claim, but in the last year it was settled by arbitration.

235. You made a report to the Board of Works of the necessity of your being there to restrain these measures?—Yes.

236. And the Board of Works in England authorised your remaining there?—Yes, I never took any step without their approval.

237. Did they know that you were there the whole of the time?—Certainly; I reported to them constantly; sometimes weekly.

238. Mr. *Wise.*] Your being absent from London was, in one sense, inconvenient to you?—It was a serious inconvenience. I have an establishment in London, and I had large works in England and on the Continent; and whenever I absented myself, of course, my young men could not do anything, and it was a great loss to me.

239. When you undertook this work at Paris, had you certain prior engagements which were remunerative to you?—Certainly; I think any gentleman will see the necessity of professional men acting under several masters.

240. Whilst you incurred these charges, you thought they were large and excessive; but you reported to the Board of Works the great inconvenience and loss of time which had occurred to you in your visit to Paris?—I had never supposed

posed that I should have had to remain three or four months in Paris, and lose all my work in London, or I would not have undertaken it; it was on account of the difficulties I have mentioned that I remained there.

241. When you went to Paris you found such a conspiracy among the tradesmen and the local architect, that you found it necessary for the English interests to remain there?—Yes, and for my own character; because, if I had not remained, I should have been in the same position as Mr. Silveijra.

242. Could not you have employed such a man as Mr. Hittorff?—He had been employed there in the ball-room; but to my surprise, I found that the account sent in by Mr. Silveijra and the account sent in by Mr. Hittorff, both of which came into my hands, one in red ink and the other in blue ink, came to the same total; but there was not one item alike in them. That is a matter of fact, which I submitted to the notice of the Board.

243. Is not Mr. Hittorff employed very largely in these matters?—Yes; I merely speak of the fact that came under my own observation.

244. Can you give the Committee any information with respect to the amount for your services in the years 1853-54; what were your services in that year?—There was a report of my work accompanying my bill, and I have an abstract of it also.

245. Will you hand that in to the Committee?—(*The same was handed in.*)

246. It appears from the account you have handed in that your charge from the 1st of April to the 31st of December 1853, amounted to 655 *l.* 4 *s.* 6 *d.*, which is made up of the following items: Disbursements, 269 *l.* 8 *s.*; your time at Paris, 286 *l.* 13 *s.*; and your time in London, 99 *l.* 3 *s.* 6 *d.* Is that a correct statement?—It is so.

247. Will you be good enough to state the time you were in Paris from the 1st of April to the 31st of December in that year?—Ninety-one days.

248. Having reference to that bill, do you think that your attendance in Paris during that time was requisite?—Certainly.

249. What were you engaged in while you were there?—All sorts of repairs, particularly of the furniture.

250. In fact, you were engaged in continuing what you had begun the year before?—Yes.

251. Was not the work of the preceding year sufficient to have rendered it perfect?—No; we had not touched one-half of the building.

252. You were engaged in different parts of the building going on progressively?—Yes, the family being in the house at the time.

253. Mr. *G. A. Hamilton.*] Did that conspiracy among the tradesmen which you have alluded to exist in this year?—It existed as long as Mr. Silveijra was kept in the house.

254. Was he in the house in the years 1853 and 1854?—He was in the house up to December 1853.

255. Mr. *Wise.*] Did Lord Cowley see the necessity of getting Mr. Silveijra dismissed?—He wrote letters very strongly about it to the authorities at home.

256. He saw the mischievous system that was going on?—I pointed out to Lord Cowley what was the position of the thing.

257. Who dismissed Mr. Silveijra?—The Board of Works.

258. *Chairman.*] Your bill for 1853-54 is 294 *l.* 10 *s.* 6 *d.* for your time, and 132 *l.* 6 *s.* for your travelling expenses and disbursements, making a total of 426 *l.* 16 *s.* 6 *d.*?—Yes.

259. Did you also find that your attendance was requisite in Paris as it was the year before?—Yes; the work could not be done otherwise.

260. Did not the conspiracy to which you have alluded cease, when Mr. Silveijra left the embassy in 1853; did you find any difference in your ability to carry out the work after he left?—Since that time I have been obliged to discharge nearly half the tradesmen, as I found them very bad in small works; a large work would be better executed.

261. Mr. *Wise.*] Have you had to reduce their bills very much?—Yes. I have some of them here. I found it necessary to have a copy of those sent to the Board of Works to check what was subsequently done.

262. In checking these accounts have not you had to reduce them very much?—Yes; up to 50 per cent. sometimes.

263. There is amongst the bills an amount charged for fuel; is the fuel used

B. Albano, Esq.

18 June 1856.

at the embassy charged to Her Majesty's Government?—Yes; to the Foreign Office.

264. Was not this bill for fuel, which amounted to 1,942 francs, and which you reduced to 1,458 francs, a bill from Lord Cowley's butler?—Yes, for fuel to warm the apartments during the repairs.

265. Will you explain whether you think it desirable that Lord Cowley's butler should find the fuel for the British embassy?—He does not do so now; he was sent away; I have nothing to say against him, but it does not seem to me a desirable thing.

266. Is there any one else employed in the embassy who supplies the establishment with any articles of consumption?—No one else.

267. *Chairman.*] It appears by your account for the year 1855, that the total sum is 608 *l.* 17 *s.* 6 *d.*, which is made up of the following items: disbursements, 167 *l.* 17 *s.* 6 *d.*; time in Paris 71½ days, 225 *l.* 4 *s.* 6 *d.*; time in London 68½ days, 215 *l.* 15 *s.* 6 *d.*; is that correct?—Yes.

268. What were you doing during the time you were in London?—I was engaged in the examination of tradesmen's accounts of the work done and measured when I was in Paris, in my presence, a work which we in England leave to the measurer.

269. Were you engaged for 68 days in London in giving an account of what you had done in Paris?—No.

270. Will you tell us what you were doing in London during those 68 days?—Examining the accounts sent from Paris, the weekly accounts, and monthly accounts, and some three-monthly accounts; reducing them and submitting them to the Board for payment; reporting to the Board on their instructions, and examining the reports from the clerk in charge of the house, and writing instructions to him in French.

271. What were those accounts?—Accounts of the work that had gone on at Paris.

272. The work which you superintended there?—Yes, and others in my absence.

273. So that you were 68 days in London engaged in superintending the accounts for work that you had been doing in Paris yourself?—Part of those 68 days was employed in reports to the Board, in answer to a number of questions put by the Board to me upon the subject, and on the accounts referred to me. There were a number of reports made; in those two years there have been nearly 80 reports to the Board. Immediately I finished the work I had it measured in my presence, and I came home to London, and examined the accounts, and reduced them, and reported to the Board. This related to the tradesmen's accounts, but it happened very often, nearly every two or three days, that I had some instructions from the Board to report upon, and the time spent upon those reports is charged, besides the time employed upon the tradesmen's accounts.

274. In reference to Parliamentary Paper, No. 950, in the Session of 1853, in page 35 there appears an abstract of tradesmen's bills for work done at the British ambassadorial residence in Paris which have been checked by you, and those bills set forth the sums which were demanded and the sums allowed, and show a very great diminution in the amount of the expenditure in consequence of the deductions that you made; can you furnish the Committee with a similar account of the bills subsequent to the date of the paper to which I have referred?—I have a copy of it, which I will submit to the Committee. (*The same was delivered in.*)

Vide Appendix.

275. In this account that you have given in, you reduce 15,000 francs to 13,000 francs?—Yes.

276. Mr. *G. A. Hamilton.*] Was that reduction effected during the 68 days you were in London?—Part of it; but if I had not seen the work, I could not have done it.

277. When you charge for the 68 days in London, is the Committee to understand that the whole of your time during those 68 days was employed generally in checking those accounts, or in making reports to the Board?—Yes, or on reports in answer to instructions from the Board. I never did work without the instructions of the Board.

278. Were you fully employed for those days?—Most conscientiously.

279. With reference to your charge of 71 days in 1855, did that refer to the supervising the preparations for Her Majesty when she was expected to go to chapel

chapel at Paris?—It referred not only to the preparation for Her Majesty, but to the repairs in progress on the structure, for the supply of new furniture, and to the repair of the old furniture, which was also in progress.

280. The whole of the expenditure, as I understand, in works in the embassy house in that year amounted to upwards of 1,000 *l.*?—Yes, to 1,181 *l.* 15*s.*

281. The 71 days that you charge for in that year was the time you spent in supervising the expenditure of 600 *l.*, and 300 *l.* upon the chapel?—Yes, of 631 *l.* 10*s.* 9*d.* and 550 *l.* 4*s.* 3*d.* for Her Majesty's visit. But part of that time was spent, not only as to the repair in progress, but to the new furniture that was supplied at that time, and which was finished, in fact, a day or two before the arrival of Her Majesty.

282. *Chairman.*] Was not the outlay upon the chapel 550 *l.* 4*s.* 3*d.*?—It was not upon the chapel only; it was upon the chapel, the verandah, and anterooms.

283. Your charge is 307 *l.* 12*s.* 6*d.* for superintending it?—Yes, I spent that by order of the Board.

284. When did you go there?—I was coming from Madrid when I was stopped; it was on July 7th.

285. How long did you remain there?—Seventy days.

286. Are the Committee to understand that the work could not be accomplished in less than 70 days, nor without your presence?—There were no workmen to be found. I wrote on 14th July to the Board to let me come home; but I received no answer, and afterwards I found that if I had come home the work would not have been done.

287. Were you constantly occupied?—I was occupied from morning to night in the embassy house.

288. How many workmen had you under you?—Sometimes 50 or 60 men, sometimes more.

289. You never were without men?—Of course if I had been without men I would not have stayed a minute.

290. You were the whole length of the time there employed?—I generally gave all my hours to the workmen; all the time I was there I was employed incessantly.

291. Could not you have suggested some better mode of doing it?—You may spend 10,000 *l.* in works of this kind, and not get the value of 1,000 *l.* I do not think myself important, but I have conducted very large works. I built the Royal Italian Opera House in the very short time of 77 days; I have laid out a great deal of money in England and abroad. Gentlemen who have had to repair mansions abroad can only appreciate the difficulty.

292. You found that the work could not be done in the chapel unless you remained there all the time?—That also is the opinion of Lord Cowley. I am sure that if the Committee will be kind enough to ask his Lordship's opinion, he would say that it never would have been done without my presence, as his Lordship has often told me.

293. Mr. *Wise.*] With reference to the disproportion between the outlay and your claim, the one being 10,129 *l.* 7*s.* 3*d.*, and the other 3,217 *l.* 1*s.* 6*d.*, how do you account for the difference between past and present charges; for I find that, in 1842, the outlay was 3,429 *l.* and the architect's commission 463 *l.*; in 1843, the outlay 8,320 *l.* and the commission 750 *l.*; in 1848, the outlay 1,662 *l.* and the commission 70 *l.*; and in 1849, the outlay 1,183 *l.* and the commission 49 *l.*?—That comprises the disbursements and the special service for Her Majesty's visit.

294. Will you in a few words, independently of what you have stated, account for such an extreme difference between past charges and present charges?—I could answer by another question; did Her Majesty's Government get the quantity of work for the money paid? The house would not have been in the state in which I found it if those repairs had been properly done.

295. If I understand you correctly, you attribute this large charge of yours to the very disgraceful state in which the embassy house was?—Yes, upon the same bad principle of neglect.

296. *Chairman.*] If you had not been there to superintend it, do you think that the outlay would have been much larger than it is?—Yes; and you would have got very little indeed for the money expended; otherwise I would have given up immediately.

B. Albano, Esq.

18 June 1856.

297. So that you conceive the payment that you received would have been more than added to the outlay if you had not been there to have looked after it?—Certainly.

298. The outlay was 10,129 *l.* 17 *s.* 3 *d.*?—Yes.

299. And you charge 3,217 *l.*—No; that is not my charge, because the clerk of the works is paid, not by the architect, but by the party building, and is no part of my expense. Then there are travelling and incidental expenses, and expenses for plans, which I paid myself.

300. The Committee understand you to say that the mode of transacting business in Paris is such, that if you had not been there the addition to the expense of the work would have been much greater than what would have been paid to you for superintendence?—I am sorry to say it, but it is so. If I had not done the survey with my own eyes, I would not have gone there at all.

301. Mr. *Wise.*] Do you consider that the embassy house is now in a proper state of repair?—No; far from it. This house has an extent of 33,000 feet; it is a very large mansion. It was built 200 years ago, and additions have been made from time to time in patchwork. There is not a window which will shut well; the window frames are rotten. There is not a door which will shut well; the doors are rotten. There is not a floor upon which you can reckon with security; so much so, that at a ball given in the hotel lately to the Emperor and Empress, I was watching the floor all the time, and I was obliged to go and put a chair upon the floor in the middle of the room where it had broken through whilst dancing. It is owing to the fact that there all the joists are laid down in plaster, and the boards put upon that. There is no ventilation, and consequently they perish in no time. Mr. Hittoff, about six years ago, was requested to report on and repair this room. He recommended to pull down the conservatory, which could not be done, as the apartments would be left without proper communication on the outside. The only remedy for this would be to open the ventilation through the vaults underneath the floor, which has not yet been done. The vaults of the present chapel had been shored up by me in 1852, and latterly, when I was there last, I added a second shore to the first one. It is in a very perilous state.

302. Notwithstanding the large outlay in the last few years?—That has rendered it habitable and comfortable to a great extent.

303. Are the structural works that you have made good; will they last?—Yes. What has been done is in brick, cement, iron, and stone; no wood has been employed where it could be avoided.

304. Mr. *Wise.*] What do you think, now that you have expended this money, ought to be the annual average expenditure in keeping the present building in repair?—I have reduced the annual expenditure very much. For water had been paid 41 *l.*, and I reduced it to 19 *l.* for a better supply; and I have reduced the expenses of the cesspool. It formerly was a charge in every year of from 40 *l.* to 45 *l.*; I have adopted the means of doing away with that charge to a great extent; the cesspool formerly filled very fast for the quantity of water used. I have adopted the system of sending away the water and keeping the soil in the cesspool, and I have not found upon this plan that there is any effluvia from it, and no expense has been incurred up to this date; also the fuel for warming the residence, which was formerly 417 *l.* during the winter months, I had reduced to 171 *l.*, &c.

305. What do you consider to be the most effective and economical manner of managing and superintending the embassy house?—It should be put in thorough repair.

306. How should it be supervised and controlled, and kept in repair?—I think the system I have adopted is the best that can be adopted. I have a clerk of the works and the porter living in the house, and Mr. Austin was not aware of that. I have a register-book. The clerk of the works has the charge of the furniture, and the repairs also. This is a charge in the general estimate of 80 *l.*; but he is not satisfied with 80 *l.*, and has left the establishment. Besides that, we have a porter who lives in the house, who has the charge of the furniture, independently of Lord Cowley. I have put down 140 *l.* at least for the clerk of the works and a porter in the house. In the year 1854, I reported to the Board that the furniture in the state apartments was past service, and could not be repaired at all, and I demanded from the Board a sum of 835 *l.*, and an authority to sell the old furniture. The Board had under consideration this proposal of mine, and some time after they remitted to me a report from the clerk of the furniture,

furniture, in which he stated that the furniture which I had estimated at 835 *l.* would have cost 2,370 *l.* in England, and together with the freight, &c. &c. would have amounted to 3,081 *l.*, which, with incessant exertion, I have executed in Paris in a superior style for 754 *l.* It had been a most remunerating bargain in Paris. The Board sent to me Mr. Cox's report, upon which I reported the following. (*The same was handed in*). *B. Albano*, Esq. 18 June 1856. *Vide* Appendix.

Alfred Austin, Esq., called in; and further Examined.

307-8. *Chairman.*] HAVE you any information to give to the Committee about Madrid?—I have drawn up the same information with regard to Madrid as with regard to Paris. *A. Austin*, Esq.

309. Mr. *Wise.*] Will you produce the estimate of the year 1848, with reference to the subject of the embassy at Madrid?—I have only brought the estimates, with reference to this matter, which have been made since 1852 with me.

310. Will you state what the estimate was in 1852?—It is 782 *l.* 15 *s.*

311. Will you state the amount expended for repairs, and for travelling expenses, and the amount for professional services?—The only item of expenditure that I can find, as made by the office in 1852, is 319 *l.* 18 *s.* 6 *d.*

312. That is for a report by Mr. Albano?—It was for a report under Mr. Albano's superintendence.

313. What was the other item in the estimate, making up the 782 *l.* 15 *s.*?—£. 462. 16 *s.* 6 *d.*; that was Mr. Albano's account.

314. This account appears to be for remaining in Madrid 92 days, 147 *l.* 16 *s.* 6 *d.*, and for professional services 315 *l.*; is that correct?—I have not the division of the professional services, but it was 462 *l.* 16 *s.* 6 *d.*, which with 319 *l.* 18 *s.* 6 *d.*, makes 782 *l.* 15 *s.*

315. Have you any other estimates with regard to this matter?—I have no further estimate until this year.

316. Will you state to the Committee the amount of the present estimate?—The total amount is 631 *l.*

317. What are the items?—The items are: ordinary works, 255 *l.*; pay of clerk of the works, 25 *l.*; remuneration to the architect, including personal and travelling expenses, 294 *l.*; and contingencies, 57 *l.*

318. Making a total of 631 *l.*?—Yes.

319. Am I correct in assuming that the expenditure upon the works was 574 *l.* 18 *s.* 4 *d.*, and the expenses of the architect were 756 *l.* 16 *s.* 6 *d.*?—Yes, that is so; the professional accounts, including the expenses of the architect, I made up in this way: in 1851 there was 172 *l.* 15 *s.* 9 *d.*; in 1852, 462 *l.* 16 *s.* 6 *d.*; and in 1855, 161 *l.* 11 *s.* 3 *d.*

320. Are you not acquainted with the details of those operations?—No.

321. As to the next point, the British Protestant cemetery at Madrid, will you produce the estimate of 1853, of 1,400 *l.* for building the cemetery at Madrid?—£. 1,400, including the architect's expenses.

322. Can you tell what was the arrangement made with the architect upon that occasion?—I understand, from reading the correspondence, that there was an arrangement made with the architect that he was to superintend the necessary works from first to last for 300 *l.*

323. How do you account for the extra charge this year, in addition to the 300 *l.* arranged to be paid to Mr. Albano, of 470 *l.*?—It is quite irrespective of the 300 *l.*; the 300 *l.* is what he was to have by an arrangement made between Mr. Albano and the Board of Works, and it was to cover all his expenses as to his professional remuneration, and so on. There was an estimate by Mr. Albano that he would require to be absent about a month in Madrid, and upon that estimate an arrangement was come to that Mr. Albano should receive 300 *l.* to cover the whole of his expenses. Mr. Albano went to Madrid, and after he had been there some little time the last Spanish revolution occurred, which completely threw out all the calculations in every way, and required him to remain there much longer than a month. It also disturbed his arrangements with the tradesmen, and he was involuntarily kept there some weeks. After he came home, he laid the circumstances before the Board of Works, and one of the first things I had to attend to after I came to the office, was to draw out a memorial to the

A. Austin, Esq.

18 June 1856.

Treasury, stating all these facts, which I arrived at by reading the several papers. The circumstances were reported to the Treasury, and upon that they decided that he was fairly entitled to 470 *l.*

324. *Chairman.*] How long was Mr. Albano obliged to remain at Madrid?—I forget precisely how long; but after making an allowance for the month, which was the original computation, we came to the result I have stated.

325. Mr. *Wise.*] Do you, as an officer of the Board of Works, think it necessary, or even desirable, that an architect in Mr. Albano's position should go to Madrid for the purpose of superintending the erecting of an enclosure wall round the cemetery, and an entrance gateway?—I had nothing to do with sending him there; I rather decline answering that question.

326. Does a wall and a small lodge require the superintendence of a person in Mr. Albano's position, who receives the high remuneration which he claims?—I should say, offhand, without having time to consider the question, that it would be very difficult to get work done at Madrid except through some very confidential agent; it is an unknown country.

327. Do you think that the ambassador himself could not have found some local architect who would have built the wall and the lodge round the ground?—Even an experienced gentleman like Mr. Albano had the greatest difficulty to contend with in getting it done. It is not like Paris, or London; Madrid, for these purposes, seems to be an unknown country, and the habits of the tradesmen were such as required a man who thoroughly understood his business.

328. Having gone through this question as you have done with care and attention, and finding that there has been an outlay in 1854 of 1,100 *l.*, and in 1855 of 150 *l.*, making a total of 1,250 *l.*, you do not think that the 770 *l.* to be paid to Mr. Albano is exorbitant?—As to the 300 *l.*, I have no particular opinion about it; but as to the 470 *l.*, I think it was quite fair.

329. The outlay in 1854 was 1,100 *l.*, out of 1,400 *l.*, and the outlay in 1855 was 150 *l.*, making together 1,250 *l.*, so that the architect has been paid 770 *l.* for an outlay of 1,250 *l.*; does that seem to you right?—Putting it in that way, it appears a large outlay, but I think that is not the fair way of putting it, either to Mr. Albano or the Board of Works. As the architect, he was paid 300 *l.* for the work; but owing to extraordinary circumstances it became necessary to pay him for the extra time he was kept in Madrid, and for the extra trouble he was put to.

330. *Chairman.*] How was the 470 *l.* calculated?—At the same rate as to time, and the same rate as to expenses; and certain other expenses he was put to in consequence of being kept there were allowed.

331. Mr. *Wise.*] In the estimate for this year, at page 25, there is an item "For the maintenance of the building, enclosure walls, walks, &c., and for the keeper's wages, 160 *l.*" Is that to be an annual charge?—I am disposed to think there is some mistake about the first item of that estimate. I think Mr. Albano can explain that better than I can. I believe the 150 *l.* should not be here at all. I had not any hand in drawing up this estimate, but I am disposed to think that there was some misapprehension with respect to Mr. Albano's meaning.

Benedict Albano, Esq., again called in; and further Examined.

B. Albano, Esq.

332. Mr. *Wise.*] WERE you sent by Her Majesty's Government, in 1847 or 1848, to Madrid?—No; I was first sent in 1850.

333. Had you not to superintend the expenditure of this 3,000*l.*, which was voted in 1848?—No; if I had, it would have been better expended.

334. Can you tell the Committee what is the tenure of the ambassador's house at Madrid?—It is a lease for 20 years, with power to give it up at the end of every five years.

335. Does he pay 400*l.* a year for it unfurnished?—Yes.

336. When he first went there what state was the house in?—The house was in such a bad state that a part of the repairs was made immediately by the owner on my demand.

337. Can you tell the Committee who superintended the expenditure of the 3,000*l.* which was voted in 1848 when Sir Henry Bulwer took the house?—M. D^{n} Dom^{o} de la Fuente.

338. He is an architect at Madrid?—Yes; in justice to Sir Henry Bulwer, I must state that he had an estimate for 1,000*l.*, and he was drawn into an expenditure of 3,145*l.*; 3,000*l.* from the English Government, and 145*l.* from his own pocket.

339. Will you state to the Committee what you first observed when you went to Madrid?—I found the house in a very dangerous state. They had made what they call a French chimney in the first floor, by cutting the flue in the main wall, not considering that the wall was built entirely of earth, and the whole wall began to crumble down. There was a very large expense incurred at the time I made the estimate which I sent to the Board. Of that estimate two-thirds was borne by the owner himself, and the remaining third was borne by Her Majesty's Government.

340. Have you been at Madrid since the year 1851?—Yes; I went and surveyed and reported, and then I was sent out again to have the repairs done.

341. According to the account you have given, the sum of 319*l.* 18*s.* 6*d.* must have been a small sum?—It is one-third of the whole amount, because I obliged the owner to do all the repairs, which he was bound to do by the custom of the country; the lease contained nothing upon the subject.

342. You only expended in 1851, 319*l.* 18*s.* 6*d.* for repairs?—That is all.

343. How many days were you at Madrid upon that occasion?—I cannot say.

344. Were you absent altogether 91 days?—Yes; I was nearly the whole of the winter.

345. You believe that you were absent 91 days?—I think so.

346. Is not the total amount claimed by you for that visit 147*l.* 16*s.* 6*d.* for travelling expenses, and 315*l.* for professional services?—Yes; that would give 91 days.

347. You did not go there in the next year?—No.

348. Nor again till 1855?—No.

349. What was the total value of the works and repairs superintended by you then?—£. 254; and that comprised 46*l.* 18*s.* already expended by the ambassador for some repairs required immediately.

350. Two hundred and fifty-five pounds is the total amount expended by you?—Yes.

351. When did you go to Madrid in 1855, with regard to the embassy house?—I went in June.

352. How long did you stay upon that occasion?—I stayed 14 days.

353. I find that the estimate for your services upon that occasion is 294*l.*; will you have the kindness to explain to the Committee how, for 14 days, such a large sum as 294*l.* was incurred?—I secured a courier the day I reached Madrid, although I wanted him 14 days after; if that precaution is not taken in June or July, a traveller may be detained two months in Madrid.

354. And your expenses were increased very much by travelling *en courier*?—No; the difference is not great between the courier and the diligence; but there are no places to be got in the public conveyance going out of Madrid in June or July if not taken a month beforehand.

355. What is the character of the charges that made up that amount of 294*l.*?—The repairs which devolved upon Her Majesty's Government were 207*l.* 12*s.*, the owner having undertaken to expend nearly 400*l.* himself on my demand.

356. Will you have the kindness to explain to the Committee how you make up this amount of 294*l.* for being absent at Madrid 14 days?—I reported on the 26th of October, which was later than I had expected, on account of having been detained nearly 2½ months in Paris. In this report I recommend to the Board to incur the expense of 207*l.* 12*s.*, as I just stated.

357. You stated that you were absent at Madrid upon that occasion 14 days?—Yes.

358. And there is a charge of 294*l.* for that visit to Madrid; will you furnish the Committee with the details of that charge?—£. 161 was my remuneration, personal and incidental expenses. The next item is 207*l.* 12*s.*, as I stated before, for repairs devolving upon Her Majesty's Government.

359. Then you have not received 294*l.* remuneration for going to Madrid in 1851?—No.

360. *Chairman.*] Is the whole of your demand 161*l.*?—My demand for time in Madrid, for travelling, personal, and incidental expenses, is 161*l.* 11*s.* 3*d.* during 14 days at Madrid, six days going, and 5½ days coming back.

 361. Will

B. Albano, Esq.

18 June 1856.

361. Will you explain to the Committee what you mean by the next item of "Contingencies," with reference to the embassy at Madrid?—It is for the accidental charges of surveys, &c. It has not been expended yet.

362. Is it necessary to have a clerk of the works always at Madrid?—I have had a very honest man there.

363. When you say a clerk of the works is necessary, will you state where there are any works going on there?—I kept a clerk of the works to watch not only the repairs devolving upon us, but the repairs done by the owner.

364. He superintends both?—He superintended both, for which we have paid him 10 *l.*; I meant to recommend him to have 25 *l.* more, the repairs sanctioned being completed.

365. Mr. *Wise.*] Does this sort of supervision to which you have alluded arise from the necessity of keeping the landlord to the terms of his lease for 20 years?—Yes.

366. Is there any prospect of its being given up?—I cannot say. I have not spent 207 *l.* in the necessary work; I do not think we come up to 100 *l.* There are 207 *l.* for the repairs, and 46 *l.* 18 *s.* also spent, making 253 *l.* 18 *s.* altogether.

367. Then in reality the amount spent by you last year in travelling to Madrid and back was 161 *l.* 11 *s.* 3 *d.*?—Yes, for professional remuneration and travelling expenses, &c.

368. Is it your opinion that the embassy house at Madrid is of such importance, and that the lease is so beneficial to the British authorities, that it is desirable or necessary for an architect to go there every second year to inspect and superintend such small alterations as are necessary there?—I have not gone every second year. I went in 1851; and I found in 1855 that the house was in such a state that it might come down to-morrow; half of it is built of mud, and the foundations are above the level of the street. If Her Majesty's Government were to send an ambassador with a family, there would be no room for them.

369. *Chairman.*] How do you make up the 161 *l.* which you charge for your remuneration?—Fourteen days in Madrid, six days in going, and five and a half returning, and 22 *l.* travelling expenses. But I can give you the items.

370. Mr. *Wise.*] Will you have the goodness to state to the Committee any facts connected with the cemetery at Madrid with which you are acquainted?—In 1853, on the 7th of November, I was ordered by the Board of Works to report upon two plans sent from Madrid for the building of a Protestant burial-ground, which are shown in the plan I have here (*producing the same*). One was sent by a Spanish architect, which was to cost 1,330 *l.*, and the other by a bricklayer, which was to cost 770 *l.* On examination of the reports from Madrid, I found that they both could be made at the same expense of 886 *l.* Knowing something about the nature of the material, I demanded from the Board that the sum of 1,000 *l.* should be allowed. Although I was far from thinking of it, the Board afterwards requested me to undertake the work, which I declined in the first instance; but when they pressed me, I undertook it. When I was on the spot, having made the working drawings of this building, I found that the architect had made no mention at all of a road; it was not altogether a good site for such building. On reaching Madrid, I prepared working drawings upon the ground, and had nearly completed that operation when the revolution broke out, and nothing could be then undertaken; at the same time, the authorities, who had promised the ambassador liberty to build the cemetery, demurred to giving me any permission.

371. *Chairman.*] How long did you remain there?—I think I was 14 days or 15 days in an uncertain state before the revolution broke out.

372. After the revolution broke out what happened?—There was nearly six weeks in which nothing could be done. No one could go out of the town, or else I would have left Madrid.

373. You were unable to leave owing to the revolution, and of course unable to do anything?—Yes.

374. At the end of the six weeks what did you do?—I then inserted advertisements in the newspapers for contractors to take it, and they wanted from 1,300 *l.* to 1,990 *l.*; there were 19 estimates, running from 1,300 *l.* to 1,900 *l.*, and the last estimate of 995 *l.* coming within my instructions, I accepted the same, and entered into the contract, and reported to the Board. I have here the contract drawings.

375. Mr. *Wise.*] Did you complete the wall, and the gate, and the chapel for 995 *l.*?—Yes.

376. Then there were expenses for works, and repairs to roads, and so forth, found necessary afterwards, which had not been contemplated before?—They had not been contemplated by the Spanish architect, but I immediately on being on the spot saw the necessity for this road.

377. You have completed the cemetery, and the works and repairs of the roads for 1,145 *l.*; that is to say, 995 *l.* for one, and 150 *l.* for the roads and so on; so that you are only 45 *l.* above the estimate?—We were not above it.

378. As to this expense for the maintenance of the building, enclosure wall, walks, &c., and keeper's wages, at 160 *l.*, can you explain to the Committee the necessity for that charge?—A communication from the Foreign Office, by the Board of Works, was sent to me, with a request that I would state the annual amount necessary for the maintenance of that building, which I did; taking also into account the wages of the keeper, at a certain amount per week, which was about 2 *s.* a day.

379. *Chairman.*] Do you think that 160 *l.* would be necessary to pay the keeper, and for the maintenance and repair of the building?—In the first instance there would be required 150 *l.* for repairs of the road, and making the road and paying the keeper.

380. That would not be necessary after the first year?—In the second year, I stated that the sum of 83 *l.* would cover all the expenses necessary.

381. What would be the expense in the third year?—It would remain a stationary charge of 83 *l.*

382. Mr. *Wise.*] Did you happen to hear at Madrid how many English had died in the course of the year?—I wish I had not built the place, because they have taken an affection to it; we have lost five or six Englishmen there within the last six months, which we never did before.

383. Have not you heard at Madrid that about one English Protestant dies there in a year?—That one ought to be respected; if he speaks the English language he ought to be respected; for want of a Protestant cemetery a lady was buried in the ground of the gas works a short time ago, because they would not allow her friends to have any ground.

384. Mr. *G. A. Hamilton.*] What is the extent of that ground?—Forty thousand to 45,000 square feet, enclosed by one wall; there is a good deal of ground outside, which I have left for the gardener to cultivate; it is enclosed with a high wall, coped with granite, Her Majesty's arms in marble, and protected with an iron gate.

385. *Chairman.*] Do you think that the permanent charge for the building will be 83 *l.*?—Yes; but I heard lately that there is an Act of Parliament which provides that as soon as the Board of Works have completed a chapel or a burial-ground, it is to be taken at once under the inspection of the Consul by the Foreign Office, and there is to be a subscription for the maintenance of it; and as soon as they can get a subscription from the resident English, the Foreign Office will give the same amount as subscribed, to support the place.

386. Mr. *Wise.*] Are you aware that that is the usual plan which is adopted at Leghorn and Rome, and other places?—Yes; I was not aware of it till lately.

387. What is the reason of the 47 *l.* for contingencies, at 15 per cent., in your estimate?—That is always put at the end of the estimate; I put 15 at Madrid, and I would put 10 at Paris, for accidental expenses.

388. Then if I understand you rightly, the reason of the large charge which you made for your personal remuneration of 470 *l.* above 300 *l.*, arose from the necessity of your remaining against your will at Madrid on account of the Spanish Revolution?—Yes; I can lay before the Committee, if they desire it, a letter that I have received, through the Board, from Lord Clarendon, dated 10th instant, expressing his Lordship's satisfaction with the work done at Madrid burial-ground under my superintendence.

Lunæ, 23° *die Junii*, 1856.

MEMBERS PRESENT.

Mr. Davies.
Mr. Wise.
Sir Benjamin Hall.

LLOYD DAVIES, Esq., IN THE CHAIR.

Alfred Austin, Esq., called in; and further Examined.

Alfred Austin, Esq.
23 June 1856.

389. *Chairman.*] HAVE you any further statement to make to this Committee?—I wish to make one or two remarks with regard to two things stated by Mr. Albano. In the first place, Mr. Albano seemed to think that I had stated to the Committee that he had not sent in estimates of the work which was to be done by him in Paris when he first went over, and afterwards. I did not intend to convey that meaning to the Committee. The questions put to me in reference to estimates related, as I understood them, to the expediency of such estimates, and not to the actual practice regarding them. Mr. Albano sent in estimates at first, and also subsequently. The second point related to an officer in charge of the Embassy House. I stated in my evidence, that there was no officer of the Board who had charge of the Embassy furniture. Upon further inquiry made since I was here the other day, I find that that statement is strictly correct. There has been a person employed in the Embassy, a carpenter, for the purpose of keeping the furniture in repair, hanging the bells, mending the locks, and so forth, and for doing the little repairs that are required to be done, who is there now. But what I stated the other day, in answer to a question put to me, was, that there was nobody in charge of or having such a degree of surveillance over the furniture as to afford protection to it. I understood the question to refer to that.

390. Mr. *Wise.*] Are the Committee to understand you to say, that there is no person of that sort in the Embassy House at Paris?—There is no person of that sort in charge of and responsible for the furniture in any way. There is a person who is continually about the house looking after the furniture, but nothing more.

APPENDIX.

PAPERS delivered in by *B. Albano*, Esq.

Paris Embassy Residence.

Mr. *Albano's* Account, delivered 31st March 1853, for Professional Services and Disbursements for an Assistant, and their Personal and Travelling Expenses in the year 1852-3, chargeable on the special Grant of Parliament for this service.

Memo.—Office of Works, &c., 22d May 1854.

	£.	s.	d.	£.	s.	d.
By the copy of account delivered by Mr. Albano, it appears to amount to	1,470	1	6			
Cr. by cash, 20th October 1852 £. 200						
„ 18th February 1853 200						
	400	–	–			
There remained due to Mr. Albano				1,070	1	6
Cr. 5th August 1853, cash				400	–	–
Left a balance due to Mr. Albano £.				670	1	6
It appeared that in the first account delivered by Mr. Albano at 186 *l.* 11 *s.* 6 *d.*, his own time was charged at three guineas per diem. At the same rate of charge on this account, there will be a deduction for 160 days at two guineas each, making				336	–	–
Leaving a net balance due to Mr. Albano of the sum of £.				334	1	6
Or, assuming the gross amount to be charged at				1,470	1	6
And deducting two guineas a day for 160 days				336	–	–
Leaves a balance due to Mr. Albano of £.				1,134	1	6
Mr. Albano's letter of 12th May 1854, states his disbursements, incurred to 31st March, at				510	7	6
Which deducted, would leave for his own remuneration £.				623	14	–

The estimate for that period was 5,820 *l.*, and assuming more than 6,000 *l.* to have been then expended, this remuneration appears to be=10 per cent., and the Board do not feel warranted, under the circumstances of the case, in allowing more than three guineas per diem for the time charged by Mr. Albano in this account; the balance as stated at 334 *l.* 1 *s.* 6 *d.* is therefore offered to Mr. Albano, on the understanding that he will accept it as a settlement of this account.

Appendix.

AMBASSADORIAL RESIDENCE, PARIS.

	£.	s.	d.
To account delivered for professional remuneration, personal and incidental expenses, and assistant's time, &c. incurred from the 19th July to 27th August 1852	186	11	6
Time employed from the 23d October 1852 to the 23d instant, in Paris, in carrying into effect, under my immediate direction, the works ordered by your Honourable Board for the repairs, improvements, and reinstatements of furniture, &c. of the above house and offices, as well as for other works, as per instructions received under date the 30th November, 7th and 11th December 1852, and under date the 15th and 21st January, 18th February and 11th March 1853, and reporting thereon to your Honourable Board, under date the 15th November, 18th, 19th, 20th, and 30th December 1852, and under date the 12th, 13th, 14th, and 18th from Paris, and 26th instant, in London, preparing 28 pages of report, statement of accounts, design, &c. &c. up to this date, 160 days, at 5 *l.* 5 *s.*	840	–	–
Personal and incidental expenses incurred in Paris during 150 days of the above time	157	10	–
Time and personal expenses for one of my assistants in Paris, engaged constantly on the works from the 23d October 1852 to this date, 160 days, at 1 *l.* 11 *s.* 6 *d.*	252	–	–
Travelling and personal expenses incurred from the 23d October 1852, from London to Paris, for self and assistant	9	11	–
Travelling and personal expenses incurred on the 14th December, from Paris to London, with a bag of despatches for the Foreign Office, and from London to Paris on the 21st December 1852	9	13	6
Travelling and personal expenses from Paris to London on the 24th instant, with a bag of despatches for the Foreign Office	4	5	6
Incidental expenses incurred in Paris and in London, for cabs, postage, stationery, &c., during the above six months	10	10	–
	1,470	1	6
By cash, 20th October 1852 £. 200			
Ditto, 31st December 1853 200			
	400	–	–
£.	1,070	1	6

London, 31 March 1853. (signed) *B. Albano.*

	£.	s.	d.
	1,070	1	6
Deduct two guineas a day for 160 days	336	–	–
	734	1	6
Paid, August 9th, 1853	400	–	–
	334	1	6

BRITISH AMBASSADORIAL RESIDENCE, PARIS.

To the Commissioners of Her Majesty's Works, &c.

Mr. *Albano*'s Account.

		£.	s.	d.
April 1853 -	To time engaged on the 1st in perusing a report, dated 29th March 1853, from my clerk of the works at Paris, on the progress of the extraordinary repairs, &c., and writing instructions to him - - - - - - - - - - - -			
	Engaged on the 1st, 2d, 4th, and 5th, in making drawings, and entering into an agreement with Messrs. Huxley & Co. for the construction of the new gas apparatus required for the above residence for the illuminations on Her Majesty's birthday, 1 ½ day - - - - - - - - - - - -	4	14	6
	Engaged on the 5th in perusing a report from my clerk of the works at Paris, and writing instructions to him - - -			
	Engaged, as per instructions of your Honourable Board, in investigating the grounds of Mr. Silveijra's claim of 2,049 *f.* 65 *c.* for professional services at the above residence during the year 1852; reducing the same to 1,644 *f.* 95 *c.*, and reporting to your Board thereon, under date 6th April 1853, one day - -			
	Engaged on the 9th in perusing a report on the progress of the general repairs, from my clerk of the works at Paris, dated the 6th, and writing instructions to him - - - - - -			
	Engaged on the 15th in perusing a report, dated 12th, from my clerk of the works, and writing instructions to him, one day -			
	To time engaged on the 16th in writing further instructions to the clerk, &c. - - - - - - - - - - - -			
	Engaged on the 16th in writing an official letter by order of your Board to his Excellency the Ambassador, to ascertain the time most convenient to his Lordship to proceed with the works -	3	3	–
	Engaged on the 21st in perusing a report, dated 19th, from my clerk of the works, and writing instructions to him - - -			
	Engaged on the 23d, and subsequently on the 27th, in surveying the gas fittings of Messrs. Huxley & Co., and the glass works of Messrs. Apsley Pellatt & Co., for the illumination on Her Majesty's birthday, and the conservatory of the above residence - - - - - - - - - - - -	3	3	–
	Engaged, as ordered by your Board, in revising the estimates of the works immediately required, repairs, and refitting of the throne and ball rooms, &c., and attending on the 28th to submit them to the Chief Commissioner, Sir William Molesworth -	3	3	–
	Engaged on the 28th in perusing a report, dated 22d, from my clerk of the works at Paris, and writing instructions to him -			
	Engaged on the 30th in perusing a report, dated 27th, and writing further instructions to him - - - - - - - -	3	3	–
May 1853 -	To time engaged on the 2d and 5th, in surveying the gas apparatus and glass works to be forwarded to Paris, half day - -	1	11	6
	Engaged, as per instructions of your Board, dated 5th May 1853, in minutely revising the whole of the second portion of my estimate of 4,055 *l.* 11 *s.*, dated 27th August 1852, to ascertain the amount of repairs absolutely necessary, being directed to defer the remainder to the year 1854, and reporting thereon to your Board, under date 7th May 1853, two days - - -	6	6	–
	Travelling and incidental expenses incurred on the 10th from London to Paris, as ordered, to complete the repairs, &c. of the throne and ball rooms for Her Majesty's birthday - - -	4	6	9

(*continued*)

Appendix.

		£.	s.	d.
May 1853 -	Engaged and personal expenses, &c., of one of my assistants, acting as my clerk of the works in Paris in my absence, to superintend the repairs, &c. of the above residence, from the 1st April to 16th May, his attendance not being further required, 46 days, at 1 *l.* 11 *s.* 6 *d.* per day - - - - - - - -	72	9	–
	Travelling and personal expenses of this assistant back to London -	4	–	–
	Engaged, as per instructions of your Board, dated 23d April, 5th and 7th May 1853, in travelling on the 10th May from London to Paris; occupied there in completing the repairs at the above residence under my personal direction, and with incessant exertion; directing the fitting of new gas branches in the conservatory, and new gas apparatus for the illumination on the main entrance gate, court yard, &c.; renewing and refitting of the whole of the furniture of the throne and ball rooms, &c., for the grand reception given by his Excellency the Ambassador on Her Majesty's birthday - - - - - - - - -	69	6	–
	Engaged subsequently in examining measurements and accounts of works executed; directing the refitting of the dining rooms for the use of the chapel; directing the making of new brown Holland covers, stamped with the initials B. E. P., &c., to preserve the gilded ornaments and new damask hangings and coverings of the throne and ball rooms, and part of the state apartments, &c., up to 31st, making in all 22 days - -			
	Personal and incidental expenses incurred during the above 20 days' residence in Paris - - - - - - - - - -	21	–	–
	Travelling and incidental expenses incurred from Paris to London on the 31st May, with two bags of despatches from his Excellency Lord Cowley to the Earl of Clarendon - - - -	6	13	9
June 1853 -	Engaged on 7th in perusing a report &c., from Mr. Collinet, the clerk in charge of the furniture, &c., at Paris, and writing instructions to him in French on the 10th - - - -	1	11	6
	Engaged on the 15th in perusing a report and weekly accounts sent by Mr. Collinet - - - - - - - - -			
	Engaged in preparing a report to your Board of all particulars of the works of repairs, refitting, &c. of part of the state apartments and the reinstatement of furniture, &c. executed at the above residence, as above summarily described under date 15th June 1853, two days - - - - - - - - -	6	6	–
	Engaged, as per instructions of your Board, under date 23d April 1853, in minutely examining and checking 14 very voluminous French accounts, sent from Paris by M. Silveijra, for repairs, &c., executed under his direction during the year 1851–2; preparing the abstract, amounting to 8,517 *f.* 90 *c.*, and reporting thereon, dated 16th June; two and a half days - - -	7	17	6
	Engaged in translating from French a communication from the municipality of Paris, containing conditions dictated for the enclosure of the garden of the Embassy; preparing drawings and estimates for the same, and attending to submit them to the Chief Commissioner on the 20th June; taking instructions and reporting thereon, one day - - - - - - - -	3	3	–
	Engaged as instructed in writing on the 24th, to his Excellency the Ambassador, on the subject of the repairs, and the surplus damask to be returned to Messrs. D'Alseine - - - -			
	Engaged, as per instructions of your Board, under date 21st January 1853, in examining M. Isouard's claim of 6,518 *f.* 30 *c.*, for goods supplied to the above residence; reducing the same to 5,659 *f.*, and reporting thereon on the 25th, two days - -	6	6	–
	Engaged in perusing report, and checking weekly accounts, dated the 25th, sent from Paris by Mr. Collinet - - - -			
	Time engaged by draughtsman and clerk in drawing and copying the above reports, correspondence, &c., 21 days, at 1 *l.* 1 *s.* per day - - - - - - - - - - - - -	22	1	–

Appendix.

		£. s. d.
June 1853 -	Stationery, postage, &c. - - - - - - - - - -	5 - -
	Engaged on the 22d in perusing report and weekly accounts sent by Mr. Collinet - - - - - - - - - -	
	Engaged in examining, checking and making the abstract of 24 very voluminous French accounts of contractors, tradesmen, &c., for repairs executed and furniture supplied for the above residence, amounting to 56,427 *f.*; reducing them to 44,592 *f.*, and reporting to your Board thereon on the 6th, nine and a half days	29 18 6
	Engaged on the 8th in perusing a report with weekly accounts sent by Mr. Collinet - - - - - - - - -	
	Engaged, as per instructions dated 22d June and 12th July 1853, in examining Messrs. D'Alseine's claim, 14th and 24th June, amounting to 10,269 *f.*, for damask supplied for the above residence; reducing the same to 7,655 *f.*, and reporting thereon on the 14th, one and a half day - - - - - - - -	4 14 6
	Engaged on the 22d in perusing a report and weekly accounts, dated 16th, from Mr. Collinet, Paris, and writing instructions to him in French - - - - - - - - - -	
	Ditto - - - ditto, on 23d ditto - - - - - -	3 3 -
	Engaged on the 26th in attending by order to meet his Excellency Lord Cowley at the Board, to confer upon the repairs and furniture required for the second floor chambers - - - - -	
	Engaged on the 30th in perusing report and weekly accounts, and writing instructions to Mr. Collinet, Paris - - - -	3 3 -
	Ditto - - - on the 6th ditto - - - - - -	
	Ditto - - - on the 13th, ditto - - - - - -	
	Travelling and incidental expenses incurred on the 16th, from London to Paris, to direct the repairs, &c., ordered by your Board, under date 22d June 1853 - - - - - - - -	4 6 9
	Engaged, as per above instructions, travelling on the 16th from London to Paris; directing the extensive improvements, repairs, &c., ordered by your Board in the second floor chambers; the filling up of the ditch and building the new wall at the head of the garden of the Embassy on the Avenue Gabriel, as required by the municipality of Paris, completing all other repairs, &c., in progress at the above residence, and on the premises of the stables in Rue d'Anjou; reinstating part of the furniture, &c., up to the 22d September, making, in all, 38 days - - - -	119 14 -
	Personal and incidental expenses incurred during 36 days' residence in Paris, as above - - - - - - - - - -	37 16 -
September 1853	Travelling and incidental expenses incurred from Paris to London on the 22d - - - - - - - - - - -	4 15 -
	Time engaged by draughtsman and clerk in drawing and copying reports, &c., eleven and a half days, at 1 *l.* 1 *s.* per day - -	12 1 6
	Stationery, postage, &c. - - - - - - - - - -	5 - -
October 1853 -	Engaged on the 3d, in perusing report and weekly accounts, dated the 1st, from Mr. Collinet, and writing instructions to him in French - - - - - - - - - - -	
	Ditto - - - on the 4th, ditto - - - - - -	6 6 -
	Ditto - - - on the 5th, ditto - - - - - -	
	Ditto - - - on the 6th, ditto - - - - - -	
	Ditto - - - on the 8th, ditto - - - - - -	
	Travelling and incidental expenses incurred from London to Paris on the 13th, as ordered - - - - - - - - -	4 12 3

(*continued*)

Appendix.

		£.	s.	d.
October 1853 -	Engaged in Paris, as directed, in surveying repairs, &c., in progress, and directing the completion of others at the above residence, from 13th October to 26th November, making, in all, 31 days -	97	13	–
	Personal expenses incurred during above 29 days - - -	30	9	–
November 1853	Travelling and incidental expenses incurred from Paris to London on the 12th, with two bags of despatches from Lord Cowley to the Earl of Clarendon - - - - - - - - - -	5	1	6
December 1853	Engaged on the 1st in writing instructions to M. Tronquois, the measurer at the above residence, for information on Messrs. Belloir's claim, in French - - - - - - - - -			
	Engaged on the 1st in writing, as directed, to his Excellency Lord Cowley, on the requirements for the service of his Lordship, &c., for the year 1854 - - - - - - - - - -	3	3	–
	Engaged on 3d in perusing a report from M. Tronquois - -			
	Engaged, as per instructions, dated 9th November 1853, in preparing the estimate for the maintenance, &c., of the above residence for the ensuing year, and reporting thereon to your Board on the 8th - - - - - - - - - - - -	3	3	–
	Engaged on the 10th in perusing report and weekly accounts from Mr. Collinet, Paris - - - - - - - - -			
	Engaged on the 14th in writing to M. Hittorf, the architect of the municipality of Paris, in French, as directed - - - -	3	3	–
	Engaged on the 18th in writing to M. Tronquois, the measurer, on Messrs. Belloir's claim - - - - - - - - -			
	Engaged on the 24th in perusing a report, with accounts, from Mr. Collinet, Paris, and writing instructions to him in French -	1	11	6
	Engaged, as per instructions, dated 21st December, in investigating the grounds of Messrs. Silveijra's, Poizot's, and Isouard's claims, and reporting to your Board thereon on the 29th, one day -	3	3	–
	Engaged on the 31st in perusing report and accounts from Mr. Collinet - - - - - - - - - - - -			
	Time engaged by clerk copying reports, five and a half days -	5	16	6
	Stationery, postage, &c. - - - - - - - - -	5	–	–
	£.	655	4	6

5th May 1855: Received on account, 200 *l.*

(signed) *B. Albano.*

27 April 1855.

From the explanations afforded by Mr. Albano, I have reason to believe this account is correct, and I certify that these charges are at the same rate as allowed previously by the Board for similar services rendered by Mr. Albano.

(signed) *W. S. Inman,*
Surveyor of Her Majesty's Works and Public Buildings.

24 November 1855.

British Embassy Residence, Paris.

To the Commissioners of Her Majesty's Works, &c.

Abstract of Mr. *Albano*'s Account.

		£. s. d.
January 1854.	To time engaged by Mr. Albano for professional services rendered at and for the premises of the above residence, offices, furniture, &c., &c., for the annual maintenance, and general and extraordinary repairs, &c., &c., during the year 1854, in England and in Paris, 93½ days, at 3*l.* 3*s.* per day - - - -	294 10 6
	To disbursements, for travelling and personal expenses, to, from, and at Paris; draftsmen and clerks, for copying drawings, reports to your Board, and French correspondence, &c., to the clerk of the works, &c., postages, stationery, &c., &c., from January to December 1854 - - - - - - - -	132 6 –
	£.	426 16 6

London, 22 February 1856. (signed) *B. Albano.*

British Embassy Residence, Paris.

To the Commissioners of Her Majesty's Works, &c.

Abstract of Mr. *Albano*'s Account.

		£. s. d.
January 1855.	To time engaged by Mr. Albano for professional services rendered in Paris, on the premises of the above residence, offices, furniture, &c., &c.; for the annual maintenance of, and for the general and extraordinary repairs, &c., in the months of January, February, March, May, &c., during the whole of the above year; ordering and superintending works; examining measurements and accounts, witnessing payments, &c., and reporting to your Board, &c., 71½ days, at 3 *l.* 3 *s.* - - - - - - - -	225 4 6
	To travelling, personal, and incidental expenses incurred, to, from, and at Paris, during the above time - - - - - -	94 11 –
	To time engaged by Mr. Albano for professional services rendered in London, for the annual maintenance and general repairs of the above residence, &c.; preparing estimates, examining and taxing French tradesmen's accounts, and certifying the same; in perusing instructions and reporting to your Board, and perusing weekly French reports from the clerk in charge of the premises, &c., &c., and writing to him in French, &c., 68½ days - -	215 15 6
	To time engaged by clerks in copying reports to your Board, and in English and French correspondence on the above service, during the whole of the above year, 94 days, at 10*s.* 6 *d.* per day -	49 7 –
	Two drawings of Her Majesty's Coat of Arms, one in lines and one coloured, with supporters, &c., to serve as patterns to Messrs. Braquenie & Co., and worked by them in the new carpet for the throne room - - - - - - - - -	2 19 6
	Postages, stationery, &c., &c., from January to December 1855 -	21 – –
	Total - - - £.	608 17 6

London, 26 February 1856. (signed) *B. Albano.*

Appendix.

To the Commissioners of Her Majesty's Works, &c.

Mr. *Albano*'s Account.

		£.	s.	d.
February 1854.	To time engaged, as per instructions from your Board, under date 21st December 1853, in examining a letter from the Foreign Office, with two enclosures, respectively dated 23d and 27th November 1853, relating to a proposal for building a Protestant Church for the use of the British Embassy and residents in Paris, &c., &c., and the suggestion of the British Protestant Committee, to build the same on the vacant ground in Rue d'Anjou St. Honoré, in front of the Embassy stables, freehold property of the British Crown; preparing drawings to ascertain the extent of the accommodation that could possibly be obtained, &c., and making calculations thereon, and estimating the value of the freehold ground at 4,545 *l.* to 5,157 *l.*; and reporting thereon generally, as desired, to your Board, under date 6th February 1854, with two plans, &c., 9½ days, at 3*l.* 3*s.* per day - - - -	29	18	6
	To time engaged by draftsmen on the above drawings, &c., &c., 13 days, at 1 *l.* 1*s.* per day - - - - - - - -	13	13	–
1st December -	To time engaged, as desired by his Excellency Lord Cowley, in transmitting to your Board an offer, in French, from Messrs. Benoit & Anceau, under date 24th October 1854, of 225*f.* per superficial mètre for the freehold ground in question; with my English translation of the same, and my observations on the inadequacy of the above offer, 1½ days, at 3*l.* 3*s.* per day - -	4	11	6
16 March 1855	To time engaged in transmitting to your Board, as desired by his Excellency Lord Cowley, an amended offer of purchase of the vacant ground at the rate of 300*f.* per superficial mètre, of Messrs. L. Benoit & G. Anceau, and reporting thereon to your Board under the above date, 1 day, at 3*l.* 3*s.* per day - - -	3	3	–
26th —	To time engaged in perusing several letters from Mr. Treite, the Embassy solicitor at Paris, &c., on the subject of the above offers of purchase of the above freehold ground, and writing an answer to him respecting them - - - - - - - - -	–	–	–
29th —	To time engaged in perusing your Board's instructions under the above date, confirming the view submitted by me on the amended offer of 4,536 *l.* made by Messrs. L. Benoit & G. Anceau for the purchase of the ground in question, being under the minimum value put to it by me, &c., &c.; the Board declined to accept the offer, desiring me to inform the parties - - - - -	3	3	–
4th April - -	To time engaged, in compliance with the above instructions, in communicating your Board's resolution to Messrs. L. Benoit & G. Anceau, 1 day, at 3*l.* 3*s.* per day - - - - - -	–	–	–
	TOTAL - - - £.	54	9	–

London, 22 February 1856.

(signed) *B. Albano.*

Appendix.

BRITISH EMBASSY RESIDENCE, PARIS.

SPECIAL SERVICE.

ABSTRACT of ACCOUNTS of the Special Services for Her Majesty's Reception at the British Embassy Chapel, Paris.

First Portion of 14 Paid Accounts.

NO.	TRADE.	NAME.	DEMAND.	ALLOWED.	£. s. d.
			frs.	*frs.*	
1	Blind Maker	Adam	525	485	
2	Silk Mercer	E. Lourdel	314.95	314	
3	Ironmonger	Barbezet & Co.	160.05	150	
4	Silk Mercer	D'Alseme, frères	1330.25	1330.25	
5	Linen Draper	E. Sanson	745.80	745	
6	Furniture Covers	Madelaine Sidot	316	316	
7	Stone Carver	Chardignez	300	300	
8	Silk Mercers	Eude & Viengué	349.20	349	
9	Florist	Debrie, frères	315	265	
10	Chapel Ornaments	Labbe Dandy	95	85	
11	Upholsterer	A. Allard	534.10	479	
12	Fringe Maker	Mde. Jacottet Gueron	671.80	604	
13	Brass Worker	Prud'homme	301.35	291	
14	Porter	J. Sidot	228.35	219	
		At par, 25 frs. to the £. 1		5932.25 = £.	237 5 –
	Second Portion of 8 Unpaid Accounts.				
1	Carpenter	Giraux	1608.17	891.98	
2	Upholsterers	Belloir, frères	880	880	
3	Bricklayer	Aubrum	2047.48	1517	
4	Ironmonger	Ducel	1200	1200	
5	Locksmith	Coutelet	1093.42	841	
6	Glazier	Néret	384.85	345	
7	Painter	Viel	1400	1400	
8	Carpet Maker	Braquenié	749.50	749	
		At par, 25 frs. to the £. 1		7823.98 = £.	312 19 3
				Total £.	550 4 3
To Mr. Albano's professional time during 70 days in Paris, at 3 *l.* 3 *s.*					220 10 –
Travelling, personal and incidental expenses during 69 days in Paris, &c. &c. and in London, &c. &c. up to this date					117 2 6
				Total £.	887 16 9

London, 24 December 1855.

(signed) *B. Albano.*

Appendix.

Paris Embassy.

Mr. *Albano*'s Bills.

	£.	s.	d.
1852 - - - - - - - - - -	1,134	1	6
1853 - - - - - - - - - -	655	4	6
1854 - - - - - - - - - -	426	16	6
Protestant Church in Rue d'Anjou - - -	54	9	–
1855 - - - - - - - - - -	608	17	6
Chapel, on occasion of Her Majesty's visit - -	337	12	6
£.	3,217	1	6

Paris Embassy.

Voted by Parliament.

	Extraordinary. £. s. d.	Ordinary. £. s. d.
1852–53 - - - - -	Nil -	1,446 – –
1853–54 - - - - -	5,820 – –	Nil
1854–55 - - - - -	3,393 – –	622 – –
1855–56 - - - - -	Nil -	482 – –
	£. 11,763	

Sir,

London, 4 January 1855.

In compliance with the orders of the Commissioners of Her Majesty's Works, under date the 29th December last, referring to me the report of the clerk of the furniture, dated the 20th ultimo, thereto annexed, which I beg to return, estimating the supply of new furniture, stated in my conference with him to be required at the British Embassy House, Paris, at the sum of 2,370 *l.*; and requesting, with reference to the limited amount (about 800 *l.*) which the Board have at their disposal for these objects, that I should furnish the Commissioners with a statement of the articles of furniture which I consider to be most urgently required for the use of the Embassy;

I beg leave to state, that it is evident, from the perusal of Mr. Cox's report, that his estimate in bulk of 2,370 *l.* for the furniture in question, in which should have been specified the extent of the supply, is not based on what I stated in my conference with him, nor on a prudent calculation of what is required, and can be supplied in Paris with economy of price, packing, freight, brokerage, accident, &c. &c.; which four last items only, the experience of last year showed an addition of from 30 to 40 per cent. on the original cost; and further, that Mr. Cox's estimate does not carry out the data of my former estimates for this service, made in Paris since 1852, subsequently revised, sanctioned by the Board, and voted by Parliament last Session.

With reference to the articles most urgently needed, I beg to refer to my report and estimate of 835 *l.* required for this service under date 29th November last; and that on reconsideration of the same, I beg to assure the Board that the above sum is sufficient for the number of articles required, and for all intents and purposes.

I remain, &c.
(signed) *B. Albano.*

T. W. Philipps, Esq.
&c. &c. &c.

(No. 1.)

AMBASSADORIAL RESIDENCE, PARIS.

ABSTRACT of TRADESMEN'S BILLS for Furniture and Work done, in the Repairs and Refitting of the Premises, and in the Supply and Repairs of Furniture, in the Year 1852-3, for the Accommodation of Her Majesty's Embassy, Paris.

No.	NAME.	TRADE.	Number of Bills.	Sum Demanded.	Sum Allowed.	
				Francs. cents.	*Francs. cents.*	£. s. d.
1	Mignaton	Mason	5	8,307 –	7,035 –	
2	Fontain	Plumber	1	2,690 –	2,031 –	
3	Brodu	Carpenter, &c.	18	5,978 –	4,655 –	
4	Tison	Marble work	1	328 –	264 –	
5	Dalton	Locksmith	2	1,182 –	925 –	
6	Greyreling	Pavior	2	715 –	477 –	
7	Trimoulet	Ditto	1	148 –	116 –	
8	Viel	Painter	4	5,447 –	4,106 –	
9	Dumas	Gas-fitter	1	1,479 –	1,045 –	
10	Rosier	Ditto	2	1,220 –	929 83	
11	Maigret	Paper-hanger	3	5,794 –	4,213 –	
12	Ledantu	Gilder, &c.	1	1,626 –	1,245 –	
13	D'Alsime	Indian damask	1	10,269 –	7,655 –	
14	Demy Doineau	Carpets	1	5,028 –	4,289 –	
15	Perret	Brocatelle	1	1,935 –	1,935 –	
16	Hattat	Blinds	1	500 –	500 –	
17	Janselme	Furniture	1	375 –	360 –	
18	Leroy	Passementerie	1	1,025 –	1,025 –	
19	Melon	Chandélier	1	289 –	280 –	
20	Piedeleu	Bronze	1	535 –	250 –	
21	Chabrie	Ditto	1	164 –	164 –	
22	Frick	Dyer	1	209 –	209 –	
23	Poizot	Measurer	1	975 –	635 –	
24	Prud'homme	Brasswork	1	209 –	209 –	
		TOTALS - - - *Fr.*		56,427 –	44,592 –	
		At 25 Francs to a Pound Sterling - - - £.				1,783 14 2
				£. s. d.	£. s. d.	
25	Barron & Co.	Ironmongers		145 3 11	136 19 5	
26	George & Co.	Furnitures		182 5 3	173 5 3	
27	Huxley & Co.	Gas-fitters		108 4 10	97 4 10	
28	Kepp & Co.	Copper-works		33 3 2½	33 3 2½	
29	Pellatt & Co.	Glass shades		15 3 4	15 3 4	
						455 16 – ½
			£.	484 – 6½		
					£.	2,239 10 2½

The bills, of which the foregoing is an abstract, have been carefully examined by me, both as to quantities, prices, allowances, and I do hereby certify the same to be correct.

London, 6 July 1853. (signed) *B. Albano.*

(No. 2.)

BRITISH AMBASSADORIAL RESIDENCE, PARIS.

ABSTRACT of Tradesmen's Accounts for Supply of Materials and Work done in the Repairs of the Premises and Furniture, in the Years 1853–4, for the Accommodation of Her Majesty's Embassy, *Paris*.

No.	NAME.	ADDRESS.	TRADE.	Sum Demanded.	Sum Allowed.
				Francs. *cents.*	*Francs.* *cents.*
1	Mesnard - - -	Rue du Faubourg, St. Honoré, No. 62.	Brush-maker - -	161 41	153 –
2	Meynard - - -	Boulevart des Italiens, No. 19	Looking-glass maker -	22 50	22 –
3	Renault - - -	Rue de la Chausse d'Antin, 58.	Ironmonger - -	341 45	330 –
4	Pinard - - -	Rue Ville Levéque, 32 -	Chair-maker - -	336 –	336 –
5	Lourdel - - -	Tentation Faubourg St. Honoré, No. 59.	Haberdasher - -	1,208 65	1,208 –
6	Tessiers - - -	Faubourg St. Honoré, 16 -	Ironmonger - -	390 70	383 –
7	Turenne - - -	Rue Parée au Marais, No. 24	Slater's work - -	139 68	139 –
8	Monsieur N. Treite -	Passage Violet, No. 4 - -	Lawyer to the Embassy	270 –	160 –
9	Marthe - - -	Rue St. Honoré, No. 166 -	Haberdasher - -	33 –	33 –
10	Jeanselme & Co. -	Boulevard Beaumarchais, No. 93.	Cabinet-maker - -	60 –	60 –
11	Scelos - - -	Rue de Duras, No. 5 - -	Carpenter - -	74 80	70 –
12	Sainte Beuve - -	Rue de Faul, St. Honoré, No. 12.	Ironmonger - -	68 10	68 –
13	Barbedienne - -	Boulevart Poissonnière, No. 30	Paper-hanger - -	57 60	57 –
14	Chevallier - -	Rue de l'Arcade, No. 60 -	Boiler-maker - -	36 40	30 –
15	Bellair - - -	Rue de Clichy, 60 - -	Upholsterers - -	1,104 –	804 –
			Total - - - *Frs.*	4,808 29	4,357 –

The bills, of which the foregoing is an abstract, have been carefully examined by me, both as to quantities, prices, allowances, and I do hereby certify the same to be correct.

London, 11 February 1854. (signed) *B. Albano.*

(No. 3.)

BRITISH AMBASSADORIAL RESIDENCE, PARIS.

ABSTRACT of TRADESMEN'S ACCOUNTS of Works executed in the general Repairs, Improvements, Refitting, and Maintenance of the Embassy House and Offices, and in the Supply and Repairs of Furniture, in the Years 1853-4, for the Accommodation of Her Majesty's Embassy, *Paris*.

No.	NAME.	ADDRESS.	TRADE.	Number of Accounts.	Sum Demanded.	Sum Allowed.
					Francs. cents.	*Francs. cents.*
1	Motheau - -	Rue Royale, No. 20 - -	Locksmith - -	1	3,806 10	2,026 -
2	Croppi - -	Rue Vielle du Temple, No. 19	Stove-maker - -	2	11,794 63	8,904 -
3	Brodue - -	Rue de la Pepinière, No. 18	Carpenter - -	13	4,833 45	3,789 -
4	Mignaton - -	Rue Culture St. Catherine, No. 50.	Mason - - -	1	2,197 10	1,737 -
5	Viel - - -	Rue de Chabrol, No. 5 -	Painter - -	6	9,516 60	7,332 -
6	Gruot - - -	Boulevard Beaumarchais, No. 101.	Marble works -	1	2,556 13	2,036 -
7	Maigret - -	Boulevart des Capucines, No. 3.	Paperhanger -	2	919 90	819 -
8	Bonard - -	Rue de Charenton, No. 162 -	Carpenter - -	1	421 37	321 -
9	Neret - - -	Rue Soquelet, No. 7 - -	Glazier - -	1	653 41	549 -
10	Paris - - -	Rue de Rivoli, No. 34 -	Cleaning cesspool -	1	194 72	93 -
11	Righer - -	Boulevard Montmartre, No. 4	Cleaning cesspool -	1	260 50	187 -
12	Demy Doineau -	Rue Vivienne, No. 16 - -	Carpets, &c. - -	1	1,364 7	1,363 -
13	Deforge - -	Rue St. Sauveur, No. 4 -	Fabrique de Passementerie.	- -	3,822 60	2,988 -
14	Ledentu - -	Rue Beautreillir, No. 22 -	Gilding and looking-glass maker.	3	4,969 92	4,476 -
15	Thèry - - -	Rue Lamartine, No. 31 -	Mason, &c. - -	1	8,060 3	6,043 -
16	Poizot - - -	Chemin de Versailles, No. 50	Measurer - -	1	684 80	600 -
17	Tronquois - -	Rue Therèse, No. 3 - -	Measurer - -	1	370 -	370 -
18	Wagenriedes, Fredk.	British Embassy - - -	Butler to H. E. Lord Cowley.	- -	427 -	409 -
			TOTAL - - -	*Frs.*	56,852 33	44,042 -

The bills, of which the foregoing is an abstract, have been carefully examined by me, both as to quantities, prices, allowances, and I do hereby certify the same to be correct.

London, 20 February 1854. (signed) *B. Albano.*

(No. 4.)

BRITISH AMBASSADORIAL RESIDENCE, PARIS.

ABSTRACT of TRADESMEN'S ACCOUNTS of WORKS Executed in the General Repairs, Improvements, Refitting, and Maintenance of the Embassy House and Offices, and in the Supply and Repairs of Furniture, in the Year 1854-5, for the Accommodation of Her Majesty's Embassy.

No.	NAME.	ADDRESS.	TRADE.	Number of Accounts.	Sum Demanded.		Sum Allowed.	
					Francs.	*cents.*	*Francs.*	*cents.*
1	E. Melon - -	374, Rue St. Denis -	Lamp manufacturer	1	919	25	849	–
2	Thery - - -	31, Rue de Lamartine -	Mason, &c. - -	1	2,939	67	2,455	–
3	J. Richard - -	5, Rue de Fauconnier -	Carpenter - -	2	716	45	509	–
4	Dumas - - -	272, Rue St. Honoré -	Gas-works - -	3	4,912	70	4,622	–
5	J. Brodu - -	78, Rue de la Papinière	Carpenter - -	1	97	33	77	–
6	Tessier - - -	16, Faubourg St. Honoré	Ironmonger - -	2	506	85	490	–
7	Aublet - - -	8, Rue de la Madeleine	Locksmith - -	1	75	60	85	–
8	Desfeux - -	7, Rued'Anjou, St. Honoré	Mason - - -	1	24	54	22	–
9	Maigret, frères -	3 Boulevart de Capucines	Decorative paper manufacturer.	1	148	30	143	–
10	Scelos - - -	5, Rue de Duras - -	Carpenter - -	1	92	53	80	–
11	Motheau - -	20, Rue Royale - -	Locksmith - -	1	41	20	36	–
12	A. Braquenié -	16, Rue Vivienne -	Carpet manufacturer	1	437	–	380	–
13	Berson - - -	6, Rue de Duras - -	Iron works - -	2	198	15	160	–
14	Baudin & Co. -	7, Rue Contebrie - -	Slater - - -	1	116	41	91	–
15	A. Deforge - -	4, Rue St. Sauveur -	Fringe-maker -	1	333	55	282	–
16	Frégé - - -	4, Rue de Jouy - -	Ratcatcher - -	2	100	–	100	–
17	Fontaine - -	140, Rue St. Lazare -	Plumber - -	2	3,352	81	2,685	–
					15,012	34	13,066	–

The bills, of which the foregoing is an abstract, have been carefully examined by me, both as to quantities, prices, allowances, and I do hereby certify the same to be correct.

(signed) *B. Albano.*

London, 27 January 1855.

(No. 5.)

BRITISH AMBASSADORIAL RESIDENCE, PARIS.

ABSTRACT of TRADESMEN'S ACCOUNTS of WORKS Executed in the General Repairs, Improvements, Refitting, and Maintenance of the Embassy House and Offices, and in the Supply and Repairs of Furniture, in the Year 1854-5, for the Accommodation of Her Majesty's Embassy.

No.	NAME.	ADDRESS.	TRADE.	Number of Accounts.	Sum Demanded.		Sum Allowed.		TOTAL.	
					Francs.	*cents.*	*Francs.*	*cents.*	*Francs.*	*cents.*
1	Viel - -	5, Rue de Chabrol -	Painter - -	1	312	73	213	–		
2	Hébert - -	50, Rue du Colisé -	Gas-fitter - -	1	47	55	41	–		
3	Dumas - -	271, Rue St. Honoré -	Ditto - -	1	358	75	232	–		
4	Tessier - -	16, Faubourg St. Honoré	Ironmonger -	1	126	40	53	–		
5	Croppi - -	19, Rue Vieille du Temple	Stove manufacturer	3	3,533	81	2,998	–		
6	Neret - -	7, Rue Jocquelet -	Glazier - -	2	998	62	855	–		
					5,177	86			4,392	–

The bills, of which the foregoing is an abstract, have been carefully examined by me, both as to quantities, prices, allowances, and I do hereby certify the same to be correct.

(signed) *B. Albano.*

London, 11 April 1855.

(No. 6.)

BRITISH AMBASSADORIAL RESIDENCE, PARIS.

ABSTRACT of TRADESMEN'S ACCOUNTS of WORKS Executed in the General Repairs, Improvements, Refitting, and Maintenance of the Embassy House and Offices, and in the Supply and Repairs of Furniture, in the Years 1854–5 and 1855–6, for the Accommodation of Her Majesty's Embassy.

No.	NAME.	ADDRESS.	TRADE.	Number of Accounts.	Sum Demanded.	Sum Allowed.
					Francs. cents.	*Francs. cents.*
1	Hamet & Berson	Rue du Faubourg St. Honoré, 37.	Ironmongers	1	392 20	277 –
2	Raitore	Passage Joinville, 5	Stove manufacturer	1	1,056 93	831 –
3	Brodu	Rue de la Pepinière, 78	Carpenter	2	1,668 25	1,282 –
4	Théry	Rue Pigale, 44	Mason	1	720 16	500 –
5	Wandenberg	Rue N. St. Augustins, 42.	Gilder	1	agreed	325 –
6	Fontaine	Rue St. Lazare, 140	Plumber	1	45 29	49 –
7	Hébert	Rue du Colysée, 48	Gas-fitter	1	76 75	74 –
8	Tronquois	–	Measurer	1	– – –	78 –
9	Prefecture de Police	–	For cleaning and watering the street in front of the Embassy House from 1 April to 30 June 1855 (defrayed by H. E. the Ambassador)	1	– – –	45 –
10	Marcou	Rue Charenton, 83	Cabinet-maker	1	as per agreement	78 –
11	Eude & Viengué	Rue de Mulhouse, 2	Silk mercers	1	963 60	963 –
12	Lainé	Rue Caumartin, 9	Dyer	1	198 80	118 –
13	Jacottet Guerou	Rue St. Denis, 374	Fringe manufacturer	1	– – –	85 –
14	Duval & Co.	Boulevart de la Madeleine, 13 & 15.	Upholsterers	1	19,504 75	14,563 15
			TOTAL	– –	24,626 83	19,268 15

The bills, of which the foregoing is an abstract, have been carefully examined by me, both as to quantities, prices, allowances; and I do hereby certify the same to be correct.

(signed) *B. Albano.*

London, 11 June 1855.

(No. 7.)

BRITISH EMBASSY RESIDENCE, PARIS.

SPECIAL SERVICE.

ABSTRACT of Accounts of the Special Services for Her Majesty's Reception at the British Embassy Chapel, *Paris*.

First Portion of Fourteen Paid Accounts.

No.	TRADE.	NAME.	Sums Demanded.		Sums Allowed.	
			Francs.	*cents.*	*Francs.*	*cents.*
1	Blind maker	Adam	525	–	485	–
2	Silk mercer	E. Lourdel	314	95	314	–
3	Ironmonger	Barbezat & Cie.	160	5	150	–
4	Silk mercer	D'Alsemé, frères	1,330	25	1,330	25
5	Linen draper	E. Sanson	745	80	745	–
6	Furniture covers	Madelaine Sidot	316	–	316	–
7	Stone carver	Chardignez	300	–	300	–
8	Silk mercers	Eude & Viengué	349	20	349	–
9	Florist	Debrie, père	315	–	265	–
10	Chapel ornaments	L'Abbé Daudy	95	–	85	–
11	Upholsterer	A. Allard	534	10	479	–
12	Fringe maker	Mde Jacottet-Guerou	671	80	604	–
13	Brass worker	Prud'homme	301	35	291	–
14	Porter	Sidot	228	35	219	–

	Sums Demanded.		Sums Allowed.	
	Francs.	*cents.*	*Francs.*	*cents.*
	6,186	85	5,932	25

Second Portion of Eight Unpaid Accounts.

1	Carpenter	Giraux	1,608	17	891	98
2	Upholsterers	Belloir, frères	880	–	880	–
3	Bricklayer	Aubrun	2,047	48	1,517	–
4	Ironmonger	Ducel	1,200	–	1,200	–
5	Locksmith	Coutelet	1,093	42	841	–
6	Glazier	Neret	384	85	345	–
7	Painter	Viel	1,400	–	1,400	–
8	Carpet maker	Braquenie	749	50	749	–
			9,363	42	7,823	98
		Total	15,550	27	13,756	23

The bills, of which the foregoing is an abstract, have been carefully examined by me, both as to quantities, prices, allowances; and I do hereby certify the same to be correct.

London, 24 December 1855. (signed) *B. Albano.*

(No. 8.)

BRITISH EMBASSY RESIDENCE, PARIS.

ABSTRACT of Tradesmen's Accounts of Works Executed in the General Repairs, Improvements, Refitting, and Maintenance of the Embassy House and Offices, and in the Supply and Repairs of Furniture, in the Year 1855-6, for the Accommodation of Her Majesty's Embassy.

No.	NAME.	ADDRESS.	TRADE.	Number of Accounts.	Sum Demanded.	Sum Allowed.
					Francs. cents.	*Francs. cents.*
1	Théry - -	Rue Pigale, 44 - -	Mason - - -	2	620 70	417 -
2	Desfeux - -	Rue d'Anjou St. Honoré 7.	Bricklayer - -	1	241 32	185 -
3	Desanges - -	Quai Valmy, 155 & 157	Mason - - -	1	239 55	145 -
4	Brodu - -	Rue de la Pepinière, 78 -	Carpenter - -	1	62 35	49 -
5	Baudin & Trissier	Rue Bontebrie, 7 - -	Slaters - - -	1	113 18	95 -
6	Aublet - -	Rue de la Madeleine, 8 -	Locksmiths - -	1	725 45	504 -
7	Huber - -	Rue Monthyon, 3 - -	Sculptor - -	1	923 90	575 -
8	Neret - -	Rue Joquelet, 7 - -	Glazier - -	1	365 -	287 -
9	Ledentu - -	Rue Beautreillis, 18 -	Looking Glass maker.	1	3,102 30	2,600 -
10	Ledentu - -	- - ditto - - -	Gilder - - -	1	5,212 71	2,400 -
11	Melon - -	Rue St. Denis, 374 - -	Lamp maker -	1	323 -	213 -
12	Viel - - -	Rue de Chabrol, 5 - -	Painter - -	2	4,700 44	3,584 -
13	Jeanselme -	Rue Harlay, 7, 9, 11 -	Upholsterer - -	1	3,440 -	3,400 -
14	Braquenie -	Rue Vivienne, 16 - -	Carpet manufacturer.	1	1,567 -	1,567 -
15	Baux - -	Rue St. Sulpice, 38 -	Measurer - -	1	391 17	391 -
					22,028 7	16,412 -
		Ordered by Mr. Falconer Atlée, 18th April 1855.				
16	Hübel - -	Rue du Faubourg St. Antoine, 64.	Cabinet maker -	1	250 -	250 -
			Total - - -		22,278 7	16,602 -

The Bills of which the foregoing is an abstract have been carefully examined by me, both as to quantities, prices, allowances; and I do hereby certify the same to be correct.

(signed) *B. Albano.*

London, 4 January 1856.

Appendix.

BRITISH EMBASSY RESIDENCE, PARIS.

ABSTRACT of TRADESMEN'S ACCOUNTS of WORKS Executed in the General Repairs, Improvements, Refitting and Maintenance of the Embassy House and Offices, and for supply of New, and Repairs to Old Furniture, for the accommodation of Her Majesty's Embassy; showing the Sums Expended on the Structure, for the New Furniture, and the Repairs to the Old Furniture, at the above Residence, from 1852 to 1856.

	1852–3.	1853–4.	1854–5.	1855–6.	TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
On the Structure -	1,073 9 9	2,497 2 7	755 4 2	595 9 2	4,921 5 8
New Furniture - -	431 17 6	888 7 –½	716 4 8	535 6 8	2,571 15 10½
Repairs of Old Furniture.	245 9 2	323 – –	35 10 10	50 19 2	654 19 2
TOTAL - - £.	1,750 16 5	3,708 9 7½	1,506 19 8	1,181 15 –	8,148 – 8½

London, 20 June 1856.

(signed) *B. Albano.*

BRITISH EMBASSY RESIDENCE, PARIS.

ABSTRACT of the foregoing TRADESMEN'S ACCOUNTS in English Money, showing the Amount Claimed, Allowed, and Accepted, from the Year 1853 to 1856.

No.	DATES.	Amount Claimed.	Amount Allowed and Accepted.
		£. s. d.	£. s. d.
1	6 July 1853 - -	2,741 2 2½	2,239 10 2½
2	11 February 1854 -	192 6 11	174 5 10
3	20 February 1854 -	2,274 1 11	1,761 14 2
4	27 January 1855 -	600 9 11	522 13 4
5	11 April 1855 - -	207 2 4	175 14 2
6	11 June 1855 - -	985 1 5½	770 14 8
7	24 December 1855 -	622 – 3	550 5 2
8	4 January 1856 -	891 2 6	664 1 8
	TOTAL - - - £.	8,513 7 6	6,858 19 2½

Making Total Reduction - - - - £. 1,654. 8. 3½.

London, 20 June 1856.

(signed) *B. Albano.*

REPORT

FROM THE

SELECT COMMITTEE

ON

CIVIL SERVICE ESTIMATES, CLASS 7

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
23 *June* 1856.

[*Price* 7 *d.*]

304.

Under 8 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

CONTRACTS FOR PUBLIC DEPARTMENTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1856.

362.

Veneris, 22° *die Februarii*, 1856.

Ordered, THAT a Select Committee be appointed to inquire into the principle adopted for making Contracts for the Supply of the Public Departments, and the effect which the present system has upon the Expenditure of Public Money.

Lunæ, 23° *die Junii*, 1856.

A Select Committee was nominated accordingly of,—

Mr. Monsell.	Viscount Goderich.
Colonel Boldero.	Colonel Smyth.
Colonel Gilpin.	Mr. Brand.
Mr. Mitchell.	Mr. Moffatt.
Mr. Corry.	Colonel Dunne.
Captain Laffan.	Mr. Muntz.
Colonel Lindsay.	Mr. Liddell.
Sir Charles Napier.	Viscount Monck.
Mr. Lloyd Davies.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Jovis, 26° *die Junii*, 1856.

Ordered, THAT Viscount *Monck* be discharged from further attendance on the Committee, and that Mr. *Jackson* be added thereto.

Martis, 15° *die Julii*, 1856.

Ordered, THAT the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to the House.

REPORT - - - - - - - - - - - - - p. iii

PROCEEDINGS OF THE COMMITTEE - - - - - p. iv

MINUTES OF EVIDENCE - - - - - - - - - p. 1

APPENDIX - - - - - - - - - - - - p. 97

INDEX - - - - - - - - - - - - - p. 127

REPORT.

THE SELECT COMMITTEE appointed to inquire into the principle adopted for making CONTRACTS for the SUPPLY of the PUBLIC DEPARTMENTS, and the effect which the present system has upon the EXPENDITURE of PUBLIC MONEY, and who were empowered to report their Observations, together with the Minutes of Evidence taken before them:——HAVE considered the matters to them referred, and agreed to the following REPORT:—

THAT Your Committee have entered late in the Session upon an important Inquiry, which will require further Evidence; they have therefore confined themselves to reporting the Evidence taken before them to The House; and they would recommend the re-appointment of the Committee in the next Session of Parliament.

15 *July* 1856.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 27° *die Junii*, 1856.

MEMBERS PRESENT:

Mr. Monsell.	Mr. Lloyd Davies.
Mr. Brand.	Mr. Muntz.
Colonel Dunne.	Sir Charles Napier.
Captain Laffan.	Mr. Liddell.
Mr. Moffatt.	Colonel Smyth.
Mr. Corry.	

Mr. *Monsell* was called to the Chair.

The Committee deliberated as to the course of proceeding.

[Adjourned to Tuesday next, at One o'clock.

Martis, 1° *die Julii*, 1856.

MEMBERS PRESENT:

Mr. MONSELL in the Chair.

Colonel Smyth.	Captain Laffan.
Mr. Brand.	Mr. Muntz.
Mr. Jackson.	Mr. Mitchell.
Mr. Corry.	Mr. Moffatt.
Mr. Liddell.	Colonel Dunne.

Mr. *John Robert Godley* and Mr. *George Dalhousie Ramsay* examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 3° *die Julii*, 1856.

MEMBERS PRESENT:

Mr. MONSELL in the Chair.

Mr. Brand.	Colonel Smyth.
Colonel Dunne.	Mr. Corry.
Colonel Boldero.	Mr. Muntz.
Sir Charles Napier.	Mr. Moffatt.
Captain Laffan.	Mr. Jackson.
Mr. Liddell.	

Mr. *George Dalhousie Ramsay* and Captain *Edward Morier Boxer* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 8° *die Julii*, 1856.

MEMBERS PRESENT:

Mr. MONSELL in the Chair.

Lord Goderich.	Mr. Muntz.
Mr. Liddell.	Mr. Corry.
Colonel Boldero.	Mr. Jackson.
Sir Charles Napier.	Mr. Moffatt.
Mr. Brand.	Colonel Smyth.
Colonel Dunne.	Colonel Gilpin.
Captain Laffan.	

Captain *E. M. Boxer* further examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 10° *die Julii*, 1856.

MEMBERS PRESENT:

Mr. MONSELL in the Chair.

Mr. Corry.	Mr. Brand.
Mr. Jackson.	Colonel Dunne.
Colonel Smyth.	Colonel Gilpin.
Mr. Muntz.	Mr. Moffatt.

Mr. *James Sutton Elliot* examined, and Mr. *Samuel Petrie* examined.

[Adjourned to Tuesday next, at One o'clock.

Martis, 15° *die Julii*, 1856.

MEMBERS PRESENT:

Mr. MONSELL in the Chair.

Mr. Corry.	Colonel Dunne.
Captain Laffan.	Mr. Liddell.
Mr. Brand.	Mr. Muntz.
Mr. Jackson.	Colonel Smyth.

Captain *Laffan*, a Member of the Committee, examined.

Motion made, and Question, "That the Committee do now report the Minutes of Evidence taken before them to the House, together with a recommendation that the Select Committee should be re-appointed in the next Session" (Mr. *Jackson*)—put, and agreed to.

Resolved, "That the Chairman do move for power to report Observations and Minutes of Evidence."

Ordered, To Report.

LIST OF WITNESSES.

Martis, 1° *die Julii*, 1856.

John Robert Godley, Esq. - - - - - - - p. 1
George Dalhousie Ramsay, Esq. - - - - - - p. 16

Jovis, 3° *die Julii*, 1856.

George Dalhousie Ramsay, Esq. - - - - - - p. 28
Captain Edward Mounier Boxer, R. A. - - - - - p. 47

Martis, 8° *die Julii*, 1856.

Captain Edward Mounier Boxer, R. A. - - - - - p. 55

Jovis, 10° *die Julii*, 1856.

James Sutton Elliot, Esq. - - - - - - - p. 77
Samuel Petrie, Esq. - - - - - - - - p. 87

Martis, 15° *die Julii*, 1856.

Captain Laffan, M. P. - - - - - - - - p. 92

MINUTES OF EVIDENCE.

Martis, 1° *die Julii*, 1856.

MEMBERS PRESENT.

Mr. Monsell.	Mr. Liddell.
Captain Laffan.	Mr. Corry.
Mr. Brand.	Colonel Smyth.
Mr. Moffatt.	Colonel Dunne.
Mr. Jackson.	Mr. Mitchell.
Mr. Muntz.	

THE RIGHT HON. WILLIAM MONSELL, IN THE CHAIR.

John Robert Godley, Esq., called in; and Examined.

J. R. Godley, Esq.

1 July 1856.

1. *Chairman.*] WHAT is your official position?—Director-general of Stores.

2. What are the duties of that office?—I am responsible for the receipt, custody, issue, and inspection of all military stores. The following extract from the Order in Council of 6 June 1855, describes my office fully (*delivering in the same*): "Extract from the Order in Council passed 6th day of June 1855, regulating the establishment of the Civil Departments of the Army, so far as it relates to the Director-general of Stores: The duties of the Director-General of Stores will consist: 1. In superintending the receipt, survey, and arrangement of all stores consigned to the custody of his department. 2. In directing the custody of those stores by the officers of his department. 3. In receiving and controlling all demands made upon the stores department, whether by storekeepers at home and abroad, or by other departments of Her Majesty's service. 4. In taking the proper steps to meet demands, either by ordering the issue of stores, or by making requisitions for what is wanted if it be not in store. 5. In superintending the issue and shipment of stores required for carrying on the several services. 6. In superintending the examination of accounts of all officers in charge of ordnance stores. 7. In causing stock to be taken of stores in the custody of the department from time to time as he may be directed."

3. Then it is only as regards the question of inspection that you, in your official capacity, have anything to say to the purchases which are made by the War Department?—That is all.

4. Will you state, if you please, the reason of the absence of the director-general of contracts, who would be the most proper person to examine upon this subject?—He has been away for six months through illness.

5. How was that illness produced?—I do not know, but I believe it was produced by over-work.

6. You are responsible for keeping up a sufficient store of all articles required for the use of the army, and making known in time your wants for the purpose of replenishing them?—Yes.

7. Will you state the course you pursue for carrying out that object?—I make an official requisition for the stores which I require, giving the detail of them, and stating the quantities which are necessary, and the services for which they are required; it is put forward to yourself or to Sir Benjamin Hawes for sanction, and when authorised, it is put into the contract department for the purpose of having the supply made.

8. Although you are not officially connected with the first steps which are taken in making contracts, have you turned your attention to the subject of

J. R. Godley, Esq.

1 July 1856.

Government purchases, and acquired a good deal of information upon that subject? —I have.

9–10. Will you describe the mode now adopted with reference to large purchases? —The best way of doing so will be to put in the official memorandum, which directed the course that was to be pursued in that matter. (*The same was put in and read, as follows*): "1. As a general rule, all supplies of stores are to be obtained by public competition. 2. In cases in which it shall appear desirable to purchase by commission, or by limited competition, the director-general of contracts is, except in instances of trifling amount, to apply to the Secretary of State for War, or such other officer as may be appointed for this purpose, for sanction to that mode of proceeding, stating the grounds on which he recommends a departure from the general rule of public competition. 3. Purchases on commission are to be made through a sworn broker or commission agent of well-known respectability and standing. 4. When it shall be decided to proceed by way of public competition, forms of tenders are to be sent to persons whose names shall have been entered on the office list of tradesmen as connected with the supply of the article required. 5. The office list is to include the name of every tradesman who shall make application to be placed on it, and who shall produce satisfactory references as to his ability to execute the orders for which he proposes to tender. 6. Each tradesman or firm to whom a form of tender shall have been sent is to be at the same time informed of the day and hour fixed as the latest time for the reception of tenders, and beyond which none can be received. On the outside of the letter inclosing any tender the word 'Tender' must be clearly written, with the name of the article or articles offered to be supplied. 7. On the arrival of each tender as above, it is to be placed unopened in a box with two locks, the key of one of which is to be kept by the director-general of contracts, that of the other by the chief clerk, or any other officer of the department named for that purpose. On the morning of the day after that fixed as the last on which the tenders are to be received, the box is to be opened in the presence of the director-general and the chief clerk, or any other officer named for that purpose, and no tender not received before the expiration of the time fixed as the latest for the reception of tenders is to be entertained. 8. The tenders being opened in the presence of the director-general and the chief clerk, or any other officer named for that purpose, a list, with the particulars of each, is to be entered in a journal kept for the purpose, which is to be examined and signed daily by the director-general or the senior clerk, or any other officer named for that purpose. 9. As a general rule, the lowest tenders are to be accepted. Should the director-general of contracts think it expedient to deviate from this rule, he is to submit his recommendation to do so for the decision of the Secretary of State for War, or such other officer as may be approved by him, together with his reasons in writing for any such deviation from the general rule. 10. In cases where a further requisition shall be made for the supply of articles which have actually been supplied by public tender as above, and where the director-general of contracts shall consider it for the interests of the public service to order such articles to be supplied by the previous contractor, he is to apply for the sanction of the Secretary of State for War, or such other officer as may be approved by him, to the course proposed. 11. When a tender shall have been accepted, the contract and bond, when required, is to be prepared without delay by the solicitor to the War Department. 12. All specifications and patterns of stores are to be, in the first instance, approved by the authorities directing the service for the use of which the stores may be required.—Second. Contracts for Works. 13. There will be two descriptions of contracts for works and repairs; one according to which the contractors shall agree to perform the whole service for a specific sum, another according to which he shall undertake to perform any service required of him at prices fixed in certain printed tariffs or schedules, the contractor undertaking to perform the work at the schedule prices, or at specified per-centages above or below those prices, as shall be agreed upon. All works and repairs of which the estimated cost shall not exceed 300*l.* are to be undertaken and executed under contracts of the latter description, made and entered into at each engineer station for three years, and called triennial contracts. 14. The same course is to be adopted in respect of contracts for works as in respect of contracts for stores, with the exception that tenders will be advertised for by the district engineers, who are to send forms of tender to the persons who shall reply to the advertisements. The tenders are to be directed and sent to the director-general of contracts, and the

the district engineer is to transmit to him a list of the persons to whom forms of tenders shall have been sent, stating his opinion of their respective competency to perform their work.—Third. Contracts for miscellaneous services. 15. In respect of contracts for services of an important or extensive kind, such as the provision of barges, the hire of coasting vessels, the conveyance of goods by canal or railway, &c., the same course is to be adopted as that already described in respect of contracts for stores. 16. Contracts for trifling and local services, such as lighting lamps, sweeping chimnies, removing ashes, washing linen, &c., are to be entered into after advertisements issued, and received by the officers of the department immediately concerned. In all such cases the proceedings taken are to be submitted for the sanction and approval of the director-general of contracts. 17. When the contract is made, information of its nature, and of the date at which it is to be completed, is to be forwarded to the cash and store departments or the manufacturing departments, or the Inspector-general of Fortifications, as the case may be. 18. If it be not completed at the time appointed, the department having the cognizance of such default is to report it on the following day to the director-general of contracts, who is immediately to take steps to have the penalty for default enforced. 19. No penalty is to be remitted without the sanction of the Lords of the Treasury. War Department, Pall Mall, 24th May 1856. (signed) *B. Hawes.*"

11. Mr. *Jackson.*] From that, the Committee must understand that all contracts are advertised for?—Not all advertised for; there is nothing in that paper about advertisement for tenders to supply stores. You may observe that forms of tender for the supply of stores are only sent to those tradesmen who are on the office list; it is very rare that there is a public advertisement.

12. Do not you think that if you were to advertise generally for tenders, the general public would come, instead of the limited number on the list, and that you would have a better chance of being well served?—We have hitherto annually advertised that any person who chooses may have his name put on the office list, which has been considered to come to the same thing.

13. Not exactly. A man may be prepared to send in a tender in January who would not be prepared in December; whereas, in fact, in December he might be called upon to put his name upon the list?—That is quite true. My own private opinion is, that the more publicity, and the more opportunity given, and the more complete the competition, the better.

14. If a tradesman heard that tenders had to be sent in, without having a direct application made to him, and he sent in a tender, which was the best, would it be rejected, notwithstanding his name was not on the list?—No. I believe the object is to have as complete a liberty of being put on the office list as possible, but I am told that some inconveniences have been found from public advertisement, which I really do not quite understand. Public advertisement is occasionally resorted to, but it has been found more convenient to have an open office list, an office list upon which anybody might at any time be put down, so as to afford a list of suitable persons.

15. But I want to understand whether if any tradesman, hearing that tenders had been sent in by his neighbours, sent in a tender to any department, whether his tender would be rejected because his name had not been down on the office list?—I believe whenever any person applies for a form of tender, he receives one.

16. *Chairman.*] That is to say, the course the tradesman should pursue would be, not in the first instance to send in a tender, but to send in an application for permission to have his name placed upon the office list?—He would send in an application for a letter of tender, and if his references were satisfactory, I believe the form of tender would be sent to him, notwithstanding his name might not be on the office list.

17. Mr. *Corry.*] What is the use of the office list, if anybody is allowed to tender although his name is not on the list?—I do not know very well what the inconveniences of public advertisement are. I believe it is found more convenient to purify, if I may use the expression, the office list, by ascertaining gradually, as it were, the character and competency of each individual; it is more convenient to do it by having the office list before you, and being able to apply for the references gradually, than to have to do so all at one time, in the case of a great number of persons sending in their names altogether in reply to advertisements; that is the only reason that I know of.

18. Mr. *Jackson.*] It may be convenient to the department, but is it fair to the public?—That is a matter of opinion.

J. R. Godley, Esq.

1 July 1850.

19. Captain *Laffan.*] It may happen sometimes, may it not, that Government may require a very large quantity indeed of some particular article, the supply of which in the market is limited, and if the Government instead of making its wants known to a certain number of parties, or endeavouring to purchase privately through an official broker, were at once to publish that great want, would not it have the effect of raising the price in the market; the very fact of making it known that the Government required, for instance, 100,000 blankets, if the stock of blankets on hand in the manufacturing districts happened then to be low, it would at once raise the price of the blankets on hand some 20 per cent., would it not?—I think if you sent a circular letter to a very large number of firms engaged in the trade, the same effect would be produced in the market; no attempt is made at keeping secret the fact that Government is in the market; if you send your circular letters to anybody who chooses to place his name upon the office list, publicity is obtained almost as complete as if you put it in the newspaper.

20. *Chairman.*] Is not the object accomplished by the employment of a sworn broker?—Yes. I thought your question had reference to the difference between a circular letter to persons on the office list and a public advertisement.

21. Captain *Laffan.*] It is a question of degree; in some cases it may be expedient to employ a broker, and in some other cases it may be expedient to apply to four or five firms?—Yes.

22. *Chairman.*] In point of fact, can brokers be employed in general on the War Department?—In two or three cases they have been employed lately, as, *e. g.*, timber and coals.

23. And the articles that Messrs. Henry supply from Manchester?—Yes.

24. Are you able to state whether that system of employing brokers has worked, as far as it has been tried, satisfactorily?—No, I cannot; because it has only been quite recently adopted. The course is almost invariably either to advertise for tenders or send a circular letter to the members of the office list; it has been only quite lately that brokers have been employed.

25. Mr. *Jackson.*] Is it your opinion that by public advertisement you would stand a better chance of competition for supplying the goods to Government than you have by sending circular letters to a limited number of persons on the office list?—I think so, subject to this reservation, that I am not acquainted with the details of the contract department; and there may be reasons for the other course of which I am not aware.

26. *Chairman.*] What is the system adopted in procuring supplies of raw material for the manufacturing departments?—In the manufacturing departments it has been decided that they provide their own raw materials, receive them and inspect them themselves; they provide them, that is to say, in the sense in which I provide other stores, by making requisitions upon the contract department, which requisitions, when authorised by yourself, are carried out by the contract department.

27. Have you got all the rules that are laid down for the provision of special articles?—Yes. (*The same was read, as follows*): This is a "Minute of instructions on the mode of obtaining raw material for the manufacturing departments at Woolwich. 1. It is of the first importance to obtain the various materials required in the manufacturing establishments at Woolwich, &c., on the most advantageous terms and of the best quality. 2. The means of obtaining the supplies required, whether by public competition, by agents or brokers, or by direct purchase from individuals, it is for the Secretary of State to decide, either by general regulations or from time to time, as may be most expedient. 3. In all cases in which the supply is of magnitude or importance, the Secretary of State directs the head of the department interested in the supply to report upon the best mode of obtaining it, and the best source or sources of supply. 4. The report so furnished, together with any recommendation or opinion as above required, is to be officially recorded, together with the decision of the Secretary of State, stating the grounds upon which the recommendations are adopted or rejected, as the case may be. 5. In the event of supplies being obtained by public competition, the head of each department should be present at the opening of all tenders in which his department is concerned, that he may have an opportunity of advising upon the course to be pursued in regard to each tender; such advice to be recorded. 6. All payments for works executed at Woolwich, &c., or supplies of any kind furnished, are to be preceded by a certificate from the head of each department that the works are executed

executed to his satisfaction, and that the supplies are in conformity with the terms and conditions of the contract or agreement. 8. All articles manufactured and completed are to be considered as stores, and reported by the head of each department to the Secretary of State, and placed in the custody and under the direction and control of the director-general of stores. (signed) *H. D. Drewry.*" *J. R. Godley*, Esq. 1 July 1856.

28. What are the terms and conditions of the contracts now used?—I have a paper which contains that information.

[*The same was read, as follows:*]

(A.)

War Department, Pall Mall.

1856.

The articles enumerated in the annexed schedule being required for the service of this department, should you be desirous of tendering for the same, you are requested to fill up and sign this form of tender, as herein pointed out, and return it to this office on or before addressed to "The Director-General of Contracts," taking special care to mark upon the outside, "Tender for ." Any omission in this respect may lead to the offer not being duly considered.

Terms and Conditions of the Contract.

The articles required are to be of the qualities and sorts described, and equal in all respects to the patterns or specifications, which may be inspected *on application at the Storekeeper's Office, Tower*, and to be delivered by the contractor at his own expense at *the Tower*, within the time specified. Description of the stores.

Previous to the articles being received into store, they will be examined * by the officer or officers appointed for that service; and if found inferior or defective in quality, they will be rejected; and the contractor is to remove the same at his own expense, within 10 days after he is required so to do, without any allowance being made to him for such rejected articles. Receipt or rejection.

* Parties tendering are, for their own security, recommended to inspect minutely the patterns and specifications, as the contract is entirely governed thereby. They are also to satisfy themselves that the reference number on the pattern, and the number inserted in the specifications, agree in every instance; in case of any apparent discrepancy, it is to be referred for explanation to the director-general of contracts.

Duplicate patterns will be delivered by the War Department to the party whose tender may be accepted, on payment of their value, when application is made for them. Duplicate patterns.

The stores will be inspected within 30 days from their delivery, and a certificate passed to the Accountant-general, War Department, Pall-mall, London, within 10 days afterwards, for such quantities as may have been found of proper quality. Inspection.

If the deliveries under the contract be divided into proportions, a certificate will be passed as aforesaid for each proportion, within 40 days after the delivery thereof, provided the same shall have been delivered within the specified period, of proper quality, and an adequate further delivery shall have been made towards the completion of the contract. Certificate.

Payment will be made direct to the contractor, and not to an agent or attorney, by bills of exchange, to be drawn upon Her Majesty's Paymaster-general, Whitehall, London, at seven days' sight; which bills, however, must not be drawn until advice shall have been dispatched from the office of the Accountant-general, authorising him so to draw, and which authority will be dispatched thence within 16 days from the receipt in that office of the certificate, accompanied by his bill in original and duplicate, from the station at which the articles were delivered, showing the due delivery of such articles according to the terms and conditions of the contract in question, or within 16 days after the removal of objections which may arise thereon. Payment.

Should the contractor neglect or refuse to supply the articles contracted for, or any portion thereof, within the period or periods specified, the director-general of contracts shall be at liberty, at any time after the expiration of any one of the specified periods, to terminate the contract, and to purchase the said articles from other persons, and to charge the difference between the price paid for such articles so obtained and the contract prices to the contractor, which difference may be deducted from any sums due to the contractor under this or any other contract, or demanded of him, to be paid within 14 days to the Paymaster-general, to the credit of the War Department; or the said director-general of contracts shall be at liberty, instead of terminating the contract, or purchasing the said articles of other persons, to require the contractor to pay the following penalties; namely, if the said articles shall not be supplied within the period or periods specified, a penalty Penalty for non-fulfilment of contract.

J. R. Godley, Esq.

1 July 1856.

a penalty of one per cent. on the amount of the supplies still remaining to be furnished within such period or periods; if they shall not be supplied within one week after such period or periods as aforesaid, a penalty of two per cent.; and if they shall not be supplied within two weeks after such period or periods, a penalty of four per cent.; and if they shall not be supplied within 21 days after such period or periods, a penalty of six per cent. (but such penalties shall not be cumulative); and every such penalty may be deducted from any sum that may be due to the said contractor under this or any other contract, or may be recovered from the said contractor as and for liquidated damages.

Contract and bond. The contractor (if required) to bring forward two sufficient securities, to enter into a bond, in amount not exceeding half the value of the stores to be provided, for the due performance of the contract, and half the expense of the stamps is to be paid by the contractor.

No fee or gratuity. The contract to be declared void, should the contractor, or any person employed by him, pay or offer to pay any gratuity or reward to any clerk or other person under the employ of the War Department, for anything to be done by such clerk or other person concerning the execution of the contractor, for the passing or discharging any debenture or imprest for the payment of money in pursuance thereof.

Member of the House of Commons. No Member of the House of Commons to be admitted to any part or share of the contract, or to any benefit to arise therefrom.

Power to reject tenders, and personal liability. The director-general of contracts reserves to himself the power of rejecting any or all of the tenders, or of accepting such portion thereof as he may think fit, and he is not to be answerable in his private capacity, nor in his own person or estate, for anything connected with or arising out of the contract.

Thomas Howell,
Director-General of Contracts.

---

the undersigned, do hereby agree and bind to provide and deliver the articles enumerated in the list or schedule hereunto annexed to which have affixed prices, within the period above specified, and do hereby agree to abide by and fulfil all the terms and conditions above-mentioned, or in default thereof, to forfeit and pay to Her Majesty, her heirs or successors, such penalties or sums of money as are above-mentioned.

Dated the day of

(Signature)

(Address)

(Witness's Signature)

(Witness's Address)

Parties making tenders are desired to be particular in filling up, dating, and signing their respective tenders, inserting their address, and having their signature witnessed, also in inserting the address of the witness; and they are desired to fill in their prices at "*per cwt.*," "*lb.*," "*doz.*," "*each*," &c., as specified, and not to make any alterations in those denominations.

29. Can you state what the chief points of difference are between that form and the form that was formerly used in the department?—The limitation of the period within which stores are to be inspected is the first considerable difference.

30. Was there no limitation before?—No, it was indefinite.

31. What was the result of the absence of any limitation?—Great delay whenever there was a pressure upon the department.

32. Did not it very much tend to prevent the respectable contractors wishing to have anything to say to the War Department?—Yes; it made it a complete speculation, almost a gambling speculation; the delays were so great in the inspection, that the contractors were subjected to very great losses.

33. Mr. *Jackson*.] Or great gains as the case might be?—Or great gains, inasmuch as they put it on in the prices, and where their goods did not deteriorate by being kept, and they could afford to lie out of their money, their gains must have been proportionate.

34. *Chairman*.] Is there any other point of difference that you wish to mention?—Under the former system, payment was not made until the contract was completed; now payment is made in proportion to the deliveries, after a certain portion of the contract has been completed, and the stores so provided have passed inspection; they are paid for rateably. There are many others; do you wish me to enumerate all.

35. Mention those which you think of importance?—The most important of all the differences is the reduction of the amount of penalty, and its being made fixed instead of discretionary. Formerly every contractor was liable to be charged in

in a sum not exceeding 20 per cent. upon the whole of his order for the non-fulfilment of his contract.

36. Mr. *Jackson.*] Who was the judge in that case?—The department.

37. The contractor was entirely in their hands?—Entirely at the mercy of the department; the result of which was that there was a negotiation, as it were, in every single case, as to how much or whether any fine should be inflicted, and in a very large majority of instances the fine was not enforced, inasmuch as to enforce it to anything like the full extent would have been perhaps ruin to the contractor.

38. *Chairman.*] Now the fines, as I understand you, are limited to a very moderate extent?—They are limited, and the enforcement of them is as much a matter of course as any other part of the contract.

39. And they cannot be remitted, I understand you to say, by the department, without the consent of the Treasury?—No; and as a matter of fact, they are hardly ever remitted; they are enforced in almost every case. Within three days after the date at which the contractor was bound to supply the stores, he is reported if defaulting, and the report is passed to the contractor-general's office, who debits him with the fines, and deducts it off the amount due to him.

40. Mr. *Jackson.*] Is the fine withheld at the last payment, or is it deducted off the goods that are behindhand?—I am not sure how that is.

41. Mr. *Liddell.*] Will you explain to the Committee how the amount of fine is regulated?—"If the said articles shall not be supplied within the period or periods specified, a penalty of one per cent. on the amount of the supplies still remaining to be furnished within such period or periods; if they shall not be supplied within one week after such period or periods as aforesaid, a penalty of two per cent.; and if they shall not be supplied within two weeks after such period or periods, a penalty of four per cent.; and if they shall not be supplied within 21 days after such period or periods, a penalty of six per cent. (but such penalties shall not be cumulative); and every such penalty may be deducted from any sum that may be due to the said contractor under this or any other contract, or may be recovered from the said contractor as and for liquidated damages."

42. Mr. *Jackson.*] Are there greater facilities given now to the payment of the various contractors than under the old system; have they less trouble now in getting their accounts paid than formerly?—Very much less, in consequence of the inspection being almost immediate; they must be paid within 40 days, and they are generally paid within a much shorter time.

43. Mr. *Brand.*] When did the system of which you have spoken come into operation?—In February of this year. There is another point of difference which I may also mention, namely, that the lowest tender must now be accepted, except under the express authority of Sir Benjamin Hawes, or yourself, or the Secretary of State for War.

44. Mr. *Jackson.*] But a tender can only be received from an individual who is upon the list?—Unless in the comparatively rare cases where they advertise; in the great majority of cases they only send a circular letter.

45. *Chairman.*] Therefore, at present every person who tenders has at all events a certain amount of security that he is competing only with those persons who are considered persons of good character, and likely to perform their contracts in a satisfactory manner?—So far as can be ascertained by such references as are usually made.

46. Mr. *Jackson.*] Still the public generally are not invited to tender?—The public generally have not been invited to tender, otherwise than in the indirect manner I have described, by advertising for those who wish to be placed upon the office list.

47. *Chairman.*] Will you be so good as to describe the system of inspection at the Tower and Woolwich respectively, those being the two great depôts where all stores are received and inspected?—At the Tower, where by far the larger portion and the greater number of classes of stores are received, that is to say, where the stores are of a more miscellaneous kind, there is a regular inspecting branch, which is composed as I will describe. "Inspection of Stores at the Tower:—1. The inspecting branch at the Tower consists of one superintendent inspector and four inspectors of stores, with such clerical assistance, to be drawn from the storekeeper's department, as may be necessary for keeping the office books, and for minor correspondence. The inspection of stores is separated into four classes or divisions, viz.:—1st Division. Linen and Woollen Articles. This division comprises

J. R. Godley, Esq.

1 July 1856.

comprises rugs, blankets, sheets, paillasses, bolster cases, slip cases for beds and bolsters, tents, valises for tents, bags for tent-pins, haversacks, nosebags, corn-sacks, bags for camp-kettles, flags, and similar stores, besides woollen and linen materials, such as flannel, dowlas, Osnaburgh, tent duck, cotton canvas, packing canvas, serge, &c. &c.—2d Division. Metals and Ironmongery. This division comprises field service mining and general tools, ironwork, such as stable, barrack, and storehouse fitments, stoves and ranges, chimney-pieces, iron pipes, iron bedsteads, coal-boxes, cisterns, fenders, fireirons, ironwork for forms and tables, locks, &c. &c. Cutlery, such as knives and forks, scissors, razors, &c. &c. Metals and metal work, such as copper, bar and sheet; lead, sheet and pipe; tin, sheet; copper and gun-metal locks; stores for Waltham Abbey (of the same materials); gun-metal and brass locks, &c. &c.; tin, pewter and zinc ware. These are principally barrack and hospital utensils.—3d Division. Furniture, Wooden Articles, Cooperage, and Miscellaneous. This division comprises barrack, hospital, and office furniture, tent and picket poles, mallets, tent-pins, pannier boxes, packing cases, arm chests and fittings, &c. &c.; pails, buckets, tubs, waterbuts, canteens, vats, &c. &c. Under the term miscellaneous is comprised a great variety of articles, namely, fire-engines, scales and weights, ropes and twine, glue, bees wax, soap, candles, oil-blocks, lathes, &c. not referable to the other three divisions.—4th Division. Accoutrements, Bayonet Scabbards, Leather, and Leather Articles. To this division are attached all articles which it may be necessary to inspect away from the premises, such as brick, stone, coal, slate, oats, &c. &c. *N. B.* It is to be observed that the inspectors are not exclusively confined to their respective divisions; as in the event of any undue pressure upon any one of the divisions or classes, the aid of the other inspectors is made generally available to expedite the duties. 2. The several duties and relative positions of the superintendent and inspectors are as follows: The superintendent of inspectors is a member of the storekeeper's department, and takes the storekeeper's instructions with respect to the arrangements and conduct of the inspecting department; and whenever he thinks it desirable to make any change in them, he submits his proposals to the storekeeper. He is responsible for the entire duties of his department; and it is his duty to suggest such rules and regulations as may be necessary from time to time with a view to the efficiency of inspection and the prevention of unreasonable delay. He does not, as a general rule, personally examine or inspect stores, except in so far as his opinion may be sought by the inspectors, or in cases where doubts may arise in his mind respecting the supply. He answers all references, through the civil officers, relative to the inspection of stores; conducts the correspondence with contractors; he also signs all certificates for payment of contractors, and returns them to the storekeeper. It is his duty to suffer no one in his branch to communicate with contractors, excepting through himself or in his presence. Once a day at least, and more frequently if practicable, it is his duty to visit personally, in company with the inspector of each division, every viewer employed, obtain a general knowledge of the progress made, and the amount of work remaining for inspection, and render by his advice and judgment such assistance as may be necessary."

48. *Chairman.*] What is the salary of the inspector?—From 370 *l.* to 450 *l.*, rising 20 *l.* a year.

49. Mr. *Liddell.*] Will you describe to the Committee what class of persons exactly those inspectors are; for example, take a man who would inspect stores such as those you have first enumerated, bolsters and canvas; is he a professional man; is he in any trade?—He was taken out of trade by us; but he has not of course been in the trade of every particular article, inasmuch as there are about 8,000 articles to be supplied and there are only four inspectors; but he is a tradesman, and, as far as possible, has been selected with reference to his practical knowledge of the kind of things we employ him to inspect; the inspector of linen and woollen articles has been in the woollen drapery trade, but he has never been in the linen trade.

50. Again as to the inspector of ironmongery?—He is a man who was originally brought up in the smith's trade, and who was afterwards in the Royal carriage department; a man of most varied abilities and knowledge.

51. Mr. *Jackson.*] Who has the appointment of those persons?—Lord Panmure.

52. It rests with him solely?—Yes.

53. *Chairman.*]

53. *Chairman.*] How are the appointments made; in point of fact, how are they selected?—Those men were all recommended by me to Lord Panmure.

54. That is to say, you, being responsible for the good conduct of your department, have virtually in your hands the appointment of the officers who are to work under you?—Virtually; that is to say, my recommendations are generally attended to.

55. Mr. *Jackson.*] Do you obtain them through private information, or do you advertise for them?—I obtain them by private information; I do not advertise.

56. I suppose that you selected those men, or at least recommended them to Lord Panmure, upon the ground of their being good buyers of goods?—Yes; they have all been employed as buyers of goods, with the exception of a gentleman whom we took out of the Royal Carriage Department, who had not.

57. Then, from the recommendations which came to you, you knew that those persons had been accustomed to buy goods, before you recommend them to Lord Panmure?—Yes.

58. There is a wide difference between a buyer and a seller of goods, as you are probably aware?—I believe so.

59. Are you aware that a good buyer will get five times the salary in a mercantile house that a good seller will?—I am not aware of the proportion between their salaries.

60. *Chairman.*] Will you proceed with the paper?—"The inspectors receive instructions as to the conduct of the divisions of inspection committed to their charge respectively, from the superintendent, to whose control they are subject, and conduct their inspections accordingly. They compare the supply with the specifications and patterns, taking care that it shall in every respect correspond with them, and check and control the examination by the viewers, and they are responsible for the quality and fitness of the stores inspected either by themselves or the viewers working under them. It is their duty to take care that the stores are properly described in the inspection report according to the terms of the specification, that the service is stated, and the order for the supply quoted. Upon the completion of the inspection, they insert in the proper columns the quantities accepted or rejected; and against each item of rejections it is their duty to state clearly and fully the cause, in order that notice of the same may be forthwith sent to the contractor. The inspection reports are signed by the inspectors when complete. Should the daily receipts of stores exceed their means of inspection either through want of space, or insufficiency of viewers, it is their duty to notify the same immediately to the superintendent. They take care that the viewers make the necessary entries of each inspection in the viewers' journal,—but they are not required to keep books, as it is intended that the whole of their time shall be spent in inspecting stores and giving the requisite directions to the viewers. All receipt transit notes made out by the viewer to accompany the stores when handed over to the storekeepers charge, are signed by the inspector who has passed them. 3.—The office business consists chiefly in keeping a register of references and the delivery vouchers sent from the storekeepers office, in entering letters to contractors in a letter book, in comparing certificates of payments with the entries in the contractors' ledgers kept in the storekeepers office, prior to the same being signed by the superintendent, and in writing out and transmitting to contractors notices of rejections."

61. That is an account of the system of inspection at the Tower?—Yes.

62. Now will you give an account of the system of inspection at Woolwich?—The system of inspection at Woolwich differs very much from that at the Tower. The presence of the manufacturing departments there, and a large staff of artificers, enables us to have the articles, which are generally of a very special and Governmental kind, if I may use the expression, inspected by our own artificers. We have there no professional inspector; we have inspection by the artificers belonging to the manufacturing departments, who are connected with those supplies; for example, shot and shell are inspected by the laboratory department; guns are inspected by the superintendents of the gun factories; carriages of all kinds are inspected by the carriage department; harness and artillery clothing by the artillery; and machinery by the engineers, or the inspector of machinery. We have no professional inspector at Woolwich, nobody taken out of the trade I mean, as we have at the Tower.

63. The departments at Woolwich comprise within them men skilled in all the different

J. R. Godley, Esq.

1 July 1856.

different branches of manufacture with which the departments require to be supplied, and therefore they have within themselves the means of satisfactory inspection?—Yes.

64. Mr. *Jackson.*] They create a supply within themselves?—They act as manufacturers; but great quantities of things are supplied to Woolwich by contractors, which are inspected by our own artificers.

65. But the natural course is, to create at Woolwich a supply of men capable of judging of the quality of the articles received there?—Yes.

66. *Chairman.*] How long has the system of inspection been in operation at the Tower?—Four months.

67. In what respect does it differ from the system which was in operation before that period?—The main points of difference are these: under the former system the chief inspector and the inspectors were Tower clerks, who had no special knowledge of the stores which they were called upon to inspect; they were both charged with the business of carrying on the office, and also responsible for the inspection of stores. There was no division of labour, as there is now; there was no classification of the different kinds of stores, for each of which an inspector is now made responsible. Every inspector was, to a certain extent, responsible for the whole of the inspection; there was no possibility of identifying the stores inspected with any particular inspector. The inspectors had to do the whole business, to conduct the office-work, the correspondence, and the general inspection, and immediately under them there were viewers, at 27*s.* and 35*s.* a week.

68. Mr. *Jackson.*] Then, in fact, it amounted to this, that there was no inspection at all?—There was an inspection, but not a satisfactory one.

69. *Chairman.*] Have you reason to believe that the system which you have introduced works well?—Yes.

70. Will you state to the Committee your reasons for thinking so?—In the first place, I find that, instead of the inspection of goods delivered extending over periods of months (sometimes as much as six or seven months), they are completed now, on the average, within 10 days. The inspection is generally completed within 10 days, and I believe, almost, (if not quite) invariably within the period of 30 days. Also a completely different practice has been introduced with respect to the communications of contractors with the persons employed in inspecting their goods. Formerly contractors were there all day long, and at any time and every time, in the departments, talking to the viewers, and walking among them, and persuading them if they pleased, to pass their goods. Now that is all forbidden.

71. Mr. *Jackson.*] Did you meet with much opposition from the old parties to the new system?—I had to dismiss three or four men for infringing the rules.

72. Do you find by the new system that the contractors deliver their goods more regularly?—Yes, with complete punctuality now; they find it is required as a matter of course, and we have very little complaint now.

73. *Chairman.*] Have there been, in point of fact, any complaints lately of delay of inspection?—I have not heard of any within the last three months.

74. That observation does not apply to the old contracts, portions of which are all still undelivered to the manufacturing departments, where the staff was not sufficient to inspect them; for instance, the whole number of shells that were poured in in time of war, and are coming in still?—No; I was speaking of the Tower; the manufacturing departments I have no control over; I cannot enforce any rapidity. I believe there has been a good deal of delay in getting the harness inspected by the Artillery, for instance; but all I can do is, to ask them to send me proper people to inspect it.

75. Mr. *Jackson.*] Your principal department is, to make requisitions and to receive stores, leaving to other departments to supply the necessary inspection; you make the requisition, and receive the goods, more particularly those which come into the Tower?—I make requisitions when my stores are running low; it is my business to make known my wants, and they are supplied either by contract or by the manufactories. I wish the Committee to understand, that the office business of the inspecting department is now separate altogether from the practical inspection. I do not know whether I have made that very clear. The superintendent of the inspectors is not a tradesman; he was the ablest clerk—at least, the man whom I thought most fitted for the business—in the Tower, but he is purely a clerk; he superintends the office business, and regulates the

department generally; but he is not supposed to have any special knowledge of the stores; he has the superintendence of those who have that knowledge.

76. *Chairman.*] He is an administrator rather than an inspector?—Yes.

77. Mr. *Brand.*] Are the inspectors' reports final?—They are merely certificates that the things have passed; they are final; the inspectors' reports simply state that such and such things have been accepted, and such and such things have been rejected.

78. Assuming that the things are rejected by the inspectors, is that rejection final?—The rejection is final, undoubtedly, in theory. Practically, if a complaint in which there was a good *primâ facie* case was made to myself, I would take care it was investigated. I have done so in two or three instances, but of course, as a general rule, we are obliged to support the inspectors; it is only where there is a very special case made out that I make further investigation.

79. Mr. *Jackson.*] What salary do the inspectors get?—£.250.

80. Colonel *Smyth.*] Have you in any instance been under the necessity of superseding the decision of the inspectors?—Yes, I have, once.

81. *Chairman.*] Since the new system was introduced?—Yes; it was since the new system was introduced that I had to supersede the decision; but the goods had been inspected previous to the introduction of that new system.

82. My question had reference to your own system?—No, I have had no occasion to supersede a decision since the new system has come fully into play. I gave the inspectors a month to acquire experience, considering that at first they were not to be judged very hardly, for they were quite new to the business; but for the last three months I have had no complaint.

83. Mr. *Jackson.*] Have you had any occasion to dismiss any of the new inspectors?—No, I have been very fortunate; I think they are very good men.

84. Mr. *Liddell.*] What is the salary of the superintendent of inspectors?—The maximum is 450 *l.*

85. You say he is not a professional man; but I presume he is responsible for the due discharge of all the duties of the other inspectors?—He is, so far as any man can be made responsible for the duties of a department, every particular operation of which it is impossible for him to oversee.

86. If he is not a professional man, what opportunity has he of knowing whether the inspector is really discharging his work properly?—He can have no opportunity of knowing practically; the responsibility of the head of a department must be to some extent theoretical only; for example, I am in theory responsible for all that goes on in the viewing rooms of the Tower, but yet, practically, I could not be held so if things were done there that were improper, unless it could be shown that they were of such a nature that I could foresee and provide against them; and so in the case of this officer; he can only be made responsible in so far as it is possible for him to exercise a control and check.

87. Then, practically, you have no check upon the inspector passing goods which are not of the quality he represents them to be?—No check but this, that by classifying the stores, and placing each division under a particular inspector, if there are complaints afterwards from the service for which those stores are intended, I know whom to come upon, and to make responsible for having passed bad stores, which was not the case under the former system.

88. Colonel *Smyth.*] You have not mentioned the clothing of the army hitherto; but does that come under the same system of inspection?—The clothing is not in my department.

89. Mr. *Muntz.*] Have you any particular line of contracts?—I superintend the provision of all stores, except clothing and food.

90. Colonel *Smyth.*] In all the contracts for tools, there is, I suppose, a pattern tool, is there not?—Yes; there are established patterns for every store; we have 8,000 patterns in the Tower altogether.

91. Does that pattern go to the inspector in every case?—In every case, and he is bound most strictly to adhere to it in every particular; he does not perform his duty if he passes anything not equal to the pattern.

92. Mr. *Corry.*] What means have they of ascertaining that the quality of tools is of the proper description; is any number of them subject to a particular test?—Yes; a certain per-centage of them are cut for the purpose of testing. I believe those accustomed to the inspection of tools can form a reasonably good idea, from superficial examination, as to whether they are good tools; but, besides that,

J. R. Godley, Esq.

1 July 1856.

that, a certain proportion of them are cut for the purpose of ascertaining the quality of the metal.

93. *Chairman.*] Is it not also a rule that tools should only be procured from the manufacturers of tools, and that they should be obliged to put their name upon every tool they supply?—I have understood so.

94. Have there been any complaints lately of the quality of the stores that have been passed?—Not to my knowledge.

95. You said, a little while back, that under the new system, in point of fact, there were no complaints?—I do not remember to have had any complaints within the last three months of the quality of the stores.

96. There used, under the old system, to be a great many complaints, I believe?—Yes.

97. Do you think the present system of inspection can be improved upon?—The only thing I have a doubt about is, as to whether the viewers are sufficiently highly paid. I should like to reserve my opinion upon that point.

98. What is the payment that the viewers receive?—The highest pay is 35*s.* a week, 91*l.* a year; and only two receive that; the next class receive 27*s.* a week, and the third-class viewers, 22*s.*

99. Mr. *Muntz.*] What do you mean by class?—Division of the viewers.

100. How are they divided?—They are divided according to their supposed qualifications. A first-class viewer is supposed to be deserving of a higher salary than a second-class viewer.

101. Does that apply to the articles inspected; do they all inspect the same articles, or different articles?—That depends entirely upon the arrangement that may happen to be made by the inspector at the time; he may put upon a particular class of stores a first, or a second, or a third-class viewer, as he may think fit.

102. *Chairman.*] Each inspector has a certain number of viewers, and those viewers consist of first, second, and third class, according to their supposed capacities?—Yes.

103. Mr. *Muntz.*] Do the different classes of viewers undertake the view of different articles, or a different class of the same articles?—You give a man a certain control and superintendence over the work; perhaps a first-class viewer will have under him two or three third-class viewers whose business he will watch; he may have a floor to himself. Take the case of tools; the quantity of tools received may be such as to require that the viewers of them should have a floor to themselves. The inspector would probably put a first-class viewer in charge of that floor, and put under him two, or three, or four, or five third-class viewers, whose subordinate operations he would check.

104. Then, in point of fact, the first-class viewers are in charge of the others?—Very much so; but I cannot give you the exact detail of the way in which the various classes of viewers are employed; I must leave that to the inspectors; they would deal with the viewers as they thought fit; it is not a matter in which I ever interfere at all. The more difficult the inspection, and the higher the qualifications required for the inspection, the more likely they would be, I suppose, to put a first-class viewer to do it. Tools, for example, I believe, are the most difficult to inspect, so as to ascertain whether they are good or not. Probably a first-class viewer would be put upon the tools; but that is merely an hypothesis of mine. You may have evidence upon that subject, if you please.

105. Mr. *Muntz.*] The man who inspects tools, whatever class he may represent, must inspect the tools throughout?—Yes, so far as I understand your question.

106. Then I cannot comprehend why there should be three classes of viewers. I can understand why a man should be superintendent of viewers; but why there should be three classes of viewers, under a superintendent, I do not know?—I think it is very intelligible indeed; I am inclined to think that there is not sufficient gradation; that it would be very desirable if there were more gradations, so that the men should be constantly looking for promotion to a higher class, and to be put upon more responsible work as they distinguished themselves in the subordinate office. I think it is very probable that I shall propose a greater division than we have at present.

107. Does the system of three classes of viewers hold throughout all species of articles, or only as regards tools?—It holds as regards other things as well as tools, but I cannot tell you how they are distributed. In every office of Government there are classes of officers, classes of clerks, and classes of labourers; and in proportion as a man makes his qualifications for higher office known, he is promoted

moted from one class to another, and is put upon more responsible work; that applies to viewers and to labourers, as well as to clerks.

108. Mr. *Liddell.*] Are tools tested in this way; for instance, would a hatchet be tried at the edge, or a pickaxe at the point?—Not every single one; but the plan adopted, I understand, is this, though I speak with considerable reserve as to the actual test employed, because I do not go and look into it practically very much; but I believe the plan adopted is, to take two or three out of a hundred, and try them in every possible way; strike them against a hard substance, and cut them.

109. With reference to some evidence you gave sometime ago, I think you stated that the responsibility of obtaining the services of inspectors rests entirely with yourself?—The recommendation for appointment rests with me.

110. Will you explain a little more explicitly how you set to work if you want an inspector for any department?—I have never had the responsibility of recomending any but the four whom I have now got; the plan I adopted was, to get Mr. Howell, who had considerable acquaintance with the trade, to write to Birmingham and to Manchester and other places for the names of any parties that his correspondents chose to recommend, requesting them to send me testimonials and recommendations of people in the woollen and metal business; and with respect to cooperage and to wooden articles, I wrote to Colonel Tulloh, the head of the Carriage Department. I think it was from Sheffield that I got the gentleman who inspects the cutlery.

111. *Chairman.*] Do you know how the East India Company procure their stores?—I have inquired as to the mode of proceeding with respect to several great mercantile companies, the East India Company and the North-Western Railway Company and others, and I find that they employ both the system of public advertisement, and that of circular letter; more generally the former; almost uniformly taking the lowest tender; more strictly, I think than ourselves.

112. Are you able to state how that system is supposed to work?—I inquired into that, and I was informed that they had no reason to complain of the quality of the stores that were supplied to them. I inquired particularly of the deputy secretary of the East India Company, who told me that on the whole they were satisfied that their system of inspection was sufficient to test the quality of their stores, and that they had no reason to believe that the system of open competition worked otherwise than well.

113. Do you know what their system of inspection is?—Very much the same in principle as our own, I believe. I am not quite certain of that; they gave me a list of their establishment; they have an inspector, a chief clerk, two sub-inspectors, and eight examiners.

114. Do you know how their inspectors are paid?—They are paid at salaries varying from 110 *l.* up to 475 *l.* a year.

115. Mr. *Brand.*] Are you speaking of inspectors' salaries?—Of sub-inspectors and examiners. Colonel Bonner, who has charge of the whole of the East India Company's Store Department, is officially designated as inspector, and has a much higher salary.

116. *Chairman.*] Are they, on the whole, higher or lower paid than yours?—I should say, higher paid.

117. Do you know whether they extend the system of public competition to everything, for instance, to machinery of any kind they may want to get, to steam-engines, and to special articles, such as would be required by the North-Western Railway Company you have just alluded to?—The North Western Company applies it to all; it advertises for tenders for engines.

118. And they accept the lowest tender?—They accept the lowest tender, after making inquiries as to the contractor's competency to supply the article; and it is very rare, that they reject the lowest tender.

119. Mr. *Muntz.*] Do not the North-Western Company require a bond for the execution of a contract?—Yes.

120. Do you also require one?—Yes.

121. Captain *Laffan.*] Then the London and North-Western has to make inquiries into the character of one or two or three parties making the lowest tenders for every supply required?—Yes, if not previously known to them.

122. When they contract with a party for the supply of those things, do they tie him as to any time for the delivery; does the company specify in the contract that the things shall be delivered within any given time?—I did not ask that question,

J. R. Godley, Esq.

1 July 1856.

question, but I conclude, as a matter of course, they do, because they would not let a contractor be at liberty to supply the article ten years hence. I conclude that there is a limit of time in every contract.

123. Do you know whether the conditions as to the time named within which the work should be done, as to security being given, and as to penalties being incurred for the work not being done within a proper time, are analogous to the contracts made in the War Department?—I cannot say.

124. There might be some conditions respecting securities and penalties which might make it easier for them to accept the lowest contract?—Possibly; I may add that the deputy secretary of the East India Company told me that he did not recollect a case where they had rejected the lowest tender.

125. Mr. *Corry*.] If the lowest tender were at a price notoriously below the market value of the article required, would it be still accepted by you?—I hardly know the sort of reasons which the director-general of contracts might consider sufficient; I think he would be guided by various reasons in various cases; I dare say it might be one element of consideration with him as to whether the price was notoriously too low.

126. Mr. *Liddell*.] Your remark that in no case had the lowest tender been refused applies not to yourself, but to the East India Company?—Yes; I said in no case within the recollection of the deputy secretary.

127. Mr. *Muntz*.] Do you mean with respect to their never taking anything but the lowest tender?—Yes.

128. I rather think you are not correct there; I think they do sometimes take tenders which are not the lowest; and if they do not, they ought to do so?—That may be so; but I am perfectly correct in what I have stated.

129. Captain *Laffan*.] You do not mean to say that they always accept the lowest tender, whether the contractor is competent or not?—Theoretically not, unless he is competent; but practically, the deputy secretary did not remember a case in which they had not accepted the lowest tender.

130. Then he had never known an incompetent person tender?—I do not know that; there may have been many persons who contracted whose contracts were incompetently fulfilled.

131. But no person who has tendered has been considered incompetent?—I understood him to say that no person had been considered incompetent before he was tried.

132. *Chairman*.] Are all the military stores under your direction and control?—Not the clothing, nor the food of the army; those are the only exceptions.

133. All the others are under your control?—All manufactured articles; not the raw materials of the manufacturing departments.

134. Mr. *Muntz*.] Is it the invariable practice with the Government always to have contracts, or do they ever send out orders without a contract?—In three or four cases within my knowledge we have employed commission agents or brokers, and I believe the result has been satisfactory; that is to say, we have got very good things; but whether the prices were higher than we should otherwise have paid, of course I cannot say.

135. You have no knowledge of that?—No.

136. Captain *Laffan*.] How often during the course of the year do you think you have to call for tenders for stores?—I have not supplied myself with that information, but many thousands.

137. What is the average number of tenders received?—I understand it is about ten thousand.

138. Would it not be inconvenient to have to make inquiries about the competency of parties 3,000 or 4,000 times in the course of the year; every time you had to call for tenders, instead of having an office list; does not the office list save an immense amount of time and labour?—I think I said before that it was probably with that view that the office list was made; probably that is the reason why the system of advertisement is not adopted.

139. Would you not otherwise have to originate inquiries several thousand times in the course of the year?—Yes.

140. Colonel *Smyth*.] You have said that you have nothing to do with the inspection of the clothing?—I have nothing to do with the inspection of the clothing.

141. Army accoutrements?—I supply army accoutrements.

142. Brushes and combs, and that sort of thing?—There is a long list of the articles which the clothing branch supply, and those which I supply to the soldiers; I have not got it quite at my fingers' ends, as to which are appointments, and which are accoutrements. The clothing department supply what are called clothing and appointments, and I supply army accoutrements; I do not quite know exactly which come under each head.

143. Mr. *Moffatt.*] With reference to the office list, is there any material variation in the names of the parties on that list from year to year?—I believe there is a good deal of alteration; parties are occasionally added, and from time to time, though not very often, they are withdrawn; they are only withdrawn as it were accidentally, when it comes to the knowledge of the department that parties have left off business, or something like that; or else, in very rare cases, where a man has so entirely misconducted himself that he is struck off from the list from default; but the list is added to constantly.

144. To how many different trades does your office list extend?—That I cannot tell you.

145. *Chairman.*] What do you suppose is the number of articles?—There are about ten thousand articles.

146. Mr. *Liddell.*] Before persons applying to be placed upon the list are so placed, are inquiries made and testimonials required to be furnished?—Yes.

147. Mr. *Moffatt.*] How many persons are there upon the list?—I understand the number is about four thousand.

148. Are you aware whether, in each of those trades, your list comprises all the leading manufacturers or dealers?—All those who choose to be put upon it; it comprises all those who wish to contract with the Government.

149. Those who chance to have seen your advertisements and to respond to them?—All who apply to be placed upon the list.

150. But, assuming there are many very eminent manufacturers of particular articles which you want who are not upon your list, are any steps taken to let them know that the Government require such articles?—I do not think we are in the habit of sending to any who are not upon the list; therefore, the only intimation is by letting it be known that they may be put upon the list if they wish.

151. Is there a general notification that anybody with a good character in each particular trade, who wishes it, may be put upon that list?—There has been hitherto an annual advertisement to that effect, but it has been discontinued this year.

152. Are you aware that many of the leading manufacturers object to sending tenders in reply to your advertisements?—I have heard it said very often that leading manufacturers do not choose to submit to open competition; but I do not know whether it is so or not.

153. Is it that the leading manufacturers do not choose to submit to open competition, or that they decline submitting their goods to the sort of rules and regulations which the Government enforce?—It is a question that I can only answer in the vaguest way. I have often heard that said, and I have also often heard what I stated before said, but by what authority I cannot say.

154. *Chairman.*] Had not the leading manufacturers a very just reason to object to submit their goods to the system which prevailed before the changes were introduced which you have described?—I think there were plenty of grounds for objecting formerly. I am in hopes that the alterations and improvements which we have made may remove any such objections, if they exist.

155. Mr. *Corry.*] Do you think that the strict observance of the existing rules and regulations as to survey is necessary to the security of the Government in obtaining articles of the specified qualities?—I think they are well adapted for that purpose.

156. And being necessary for that purpose, you would not relax those rules in any case?—No; I think, as a general principle, rules should not be relaxed, especially Government rules; for the moment you come to admitting relaxations, there is no knowing where to stop. I think the rules should be so framed as to admit of being almost invariably applied.

George Dalhousie Ramsay, Esq., called in; and Examined.

G. D. Ramsay, Esq.

1 July 1856.

157. *Chairman.*] WHAT is your official position?—Assistant Director-general of Army Clothing.

158. Will you state when that Army Clothing department was formed?—In June, last year.

159. Will you state to the Committee what the duties of that department are?—I have a memorandum in my hand, which I had better perhaps read to the Committee. The duties consist principally of these: "To take charge of all patterns of clothing and appointments when they have been sanctioned by the Sovereign, and sealed by order of the Secretary of State for War, and to take care that patterns so sealed shall be sent to the head-quarters of every regiment; to receive all requisitions for clothing and appointments from the Adjutant-general for the Foot Guards, Cavalry and Infantry of the Line, Colonial Corps, Land Transport Corps, Embodied Militia, Foreign Troops, and for the Staff Serjeants of recruiting districts and garrisons; from the Deputy Adjutant-general of Artillery, for the Royal Artillery; from the Assistant Adjutant-general of Engineers, for the corps of Sappers and Miners; from the Secretary of State, for all enrolled pensioners; from colonels of disembodied regiments of militia, for the permanent staff, and for the men when called up for training. To examine these requisitions, and to instruct the clothiers to comply with them within the time specified for their delivery into the packer's stores. To carry on all correspondence relating to the clothing and appointments, and to be the sole medium of communication with those persons who may be selected and required to provide the required supply. To receive from the officers appointed to inspect and compare with the sealed patterns the several articles of clothing and appointments in the stores of the Government packer, and not to permit any articles to leave such stores until accompanied by a certificate from the Director-general that such articles may be forwarded to the regiment. To require the commanding officer of each regiment to forward the Inspection Report of the Regimental Board immediately after the receipt and inspection of any articles of clothing and appointments, and to investigate any complaints made, and to require the clothier to replace any articles declared unfit for service. To receive from the Adjutant-general all requisitions for great-coats; to ascertain that, according to the regulation, the regiment is entitled to the supply asked for, or to obtain the sanction of the Secretary of State for any irregular demand, and to take the necessary steps for having the supply, after due inspection and comparison with the sealed pattern, transmitted to the regiment. To receive all requisitions for warm clothing, or other extra clothing; and after obtaining the sanction of the Secretary of State for such supply, to take the necessary steps for having the requisition duly complied with. To investigate and decide upon all claims for compensation in lieu of clothing, preferred through the Adjutant-general, the Deputy Adjutant-general of Artillery, or the Assistant Adjutant-general of Engineers, and to sanction by certificate of the Director-general of Clothing the grant of such compensation. To examine all claims of clothiers for supplies furnished for the use of the army, including all miscellaneous corps, the Artillery, the Sappers and Miners, the Militia, the Enrolled Pensioners, and Foreign Corps, from and after the 1st of April 1855, and to sanction the payment thereof upon certificates from the Director-general of Clothing. To effect this, the grants made upon the Army and Militia Estimates for 1855–1856 should be transferred to the credit of Ordnance Services. In addition to these duties, whenever the contract system comes into operation, the Army Clothing Department will have the control of all articles of clothing and appointments for the army and militia, when received from the contractors; and the Director-general of Army Clothing will give directions for the issue of all articles of clothing and appointments for which requisitions have been made; and all the duties connected with the clothing of the army and militia, with the exception of entering into the contracts, will be performed by him."

160. Previous to the formation of the Clothing department, in what manner was the clothing for the army provided?—The clothing for the army was provided by the colonels of the different regiments.

161. Will you describe the method adopted?—The clothing for the infantry and cavalry was supplied by the colonels of the regiments, through the medium of regimental agents, who acted on behalf of those officers. The colonel was allowed a certain sum annually for the clothing and accoutrements of each man

borne

borne on the strength of the regiment; this sum was called an off-reckoning. The following rates of off-reckonings were allowed to colonels. First, as to Dragoon Guards and Dragoons: for each serjeant of every class borne on the regimental establishment, 6*l.* 12*s.*; for each corporal and trumpeter, 6*l.*; for each private, 4*l.* As to Foot Guards: for each serjeant of every class on the establishment, 7*l.* 10*s.*; each corporal and drummer, 4*l.*; each private, 3*l.* 15*s.* Then as to Infantry of the Line: each serjeant, as above, 7*l.* 9*s.* 2*d.*; each corporal and drummer, 4*l.* 19*s.*; each private, 2*l.* 6*s.* The regiments being seldom at their full complement, and the prices of articles of clothing being considerably less than the amount of the off-reckonings, the colonel derived a profit averaging 750*l.* a year in the infantry. The following corps were clothed by the Ordnance Department; viz., the Royal Artillery, Royal Sappers and Miners, Colonial Corps, Recruiting Districts, Enrolled Pensioners, Disembodied Militia, Convicts, Military Prisons, Colonial Police, Garrison Staff. The Ordnance made contracts for the clothing to be supplied either made up or in materials. The clothing for the Artillery was inspected by the Clothing Committee at Woolwich, and was supplied chiefly by Messrs. Stephens & Clarke. The Ordnance also supplied great-coats for the whole army and militia. By Her Majesty's Warrant of 6th June 1854, the position of the colonels as regards the clothing was changed, and they were granted a fixed annual payment in lieu of profits from off-reckonings.

162. *Chairman.*] Then the system of off-reckoning was abolished at the time?—Yes; "and it was determined that the public should pay the cost price of the articles to the tradesmen who supplied them. The engagements entered into by the colonels were taken over by the public, the bills were paid through the regimental agents, who received an imprest from Government to meet their disbursements."

163. Up to what date will the tradesmen appointed under the old system which you have just described supply the regiments which had been given to them by the colonels?—Till the 31st of March 1857.

164. Then, in point of fact, the new system will not come into operation until that period?—No.

165. What inspection does that clothing undergo?—It is inspected by two officers, who are called the inspectors of clothing, the deputy adjutant-general and the deputy quartermaster-general.

166. Do you mean that the clothing of the army, under the old system, was inspected by the deputy adjutant-general and the deputy quartermaster-general?—Yes.

167. Not the clothing for the whole army?—The clothing that was supplied by the colonels under the old system.

168. Captain *Laffan.*] Each soldier's coat?—Yes, each soldier's coat was inspected; the deputy adjutant-general and the deputy quartermaster-general were called the inspectors of clothing.

169. *Chairman.*] Surely you do not mean to say, supposing there were 10,000 suits of clothing delivered in a year, that the deputy quartermaster-general and the deputy adjutant-general inspected it all?—They went to the stores of the army clothier, and inspected it personally.

170. Mr. *Moffatt.*] Do you mean to say they did that personally?—Yes.

171. *Chairman.*] Are the Committee to understand you to say, that under the old system which existed before the clothing department was formed, the only inspection that the clothing which Her Majesty's troops wore obtained, was an inspection by the deputy adjutant-general and the deputy quartermaster-general?—It was inspected afterwards by a Board of officers when it arrived at the regiment, and that Board of officers had the power of rejecting the clothing if they pleased.

172. Mr. *Moffatt.*] After it had been approved by the deputy adjutant-general and the deputy quartermaster-general, that Board of officers had the power of rejecting it?—Yes, and I believe there are cases in which the clothing has been rejected.

173. Mr. *Liddell.*] Have you heard of any cases in which the clothing has been sent back?—I have heard of some instances, but not many. If you refer to the evidence before the Committee on Army and Navy Appointments, in 1833, and the Committee on Army Estimates in 1850, you will find two or three cases.

174. Had those officers any staff of viewers under them to assist them in their inspection?—No, none at all.

175. *Chairman.*] You have been describing the inspection under the old system?—Yes.

G. D. Ramsay, Esq.

1 July 1856.

176. Then your present department is in no way responsible for the clothing provided under the old system, but simply examines the accounts of the clothiers?—Yes, and pays the bills; but it is in no way whatever responsible beyond that.

177. Mr. *Moffatt.*] Responsible neither for the quality, nor the price, nor the due completion of the contract?—Just so.

178. *Chairman.*] In point of fact, your department, with regard to the clothing, discharges merely the duties which used to be discharged by the Board of General Officers?—Yes; all they have to do is to see that it has been delivered at the head-quarters of the regiment, and when it has passed the inspection of the regimental Board, the bills are paid by the army clothing department.

179. In point of fact, you do not order the clothing, and you have nothing to do with the quality of the clothing?—Nothing whatever, till the 31 March 1857.

180. How is the inspection under the new system of the clothing department now conducted, as far as it has come into operation at all; and how will it be conducted for the future?—It will be carried on at Weedon; it will be inspected by the inspectors there, who are all practical men, and have a complete knowledge of the supplies which they are called upon to inspect.

181. Will you describe the system by which the clothing of the army will in future be provided for?—It is proposed that the Government should make contracts for the cloth for the infantry, and after the cloth has been procured it will be examined at Weedon by the inspectors, and then another contract will be made for making up the clothing, and when made up it will be delivered into the stores at Weedon, and then sent to the head-quarters of every regiment.

182. You have described the inspectors whom you have at Weedon as men skilled in the particular subjects and matters upon which they have to exercise their judgment; how have those inspectors been selected?—They have been selected principally from the certificates which they have brought from various houses in which they have been employed.

183. Are they men who have been in the habit of discharging for private firms the duties which they are now discharging for the Government?—Yes.

184. In what manner are the patterns fixed upon?—The patterns are fixed upon entirely by the Commander-in-Chief, who takes the pleasure of the Sovereign upon the patterns.

185. Therefore, as I understand you, the clothing department has no responsibility at all with regard to the patterns?—None whatever.

186. What were the duties which were discharged by the late Board of General Officers?—The Board of General Officers used to investigate and decide upon all claims and all disputes between the clothiers and the lieutenant-colonels of regiments, and when once the patterns were sealed by the Commander-in-Chief, they had to seal patterns, which accompanied every supply, and in case of any dispute with a clothier as to the supply not being equal to the pattern, the dispute was investigated and settled by the Board of General Officers.

187. Who composed the Board of General Officers?—It was composed entirely of general officers who were either colonels of regiments, or who expected to be colonels of regiments.

188. I think you have already stated that the Government have taken over the engagements entered into by the colonels of regiments, which will terminate on the 31st of March 1857?—They have.

189. Has the clothing department taken any steps to provide clothing for the army?—The clothing department has provided simply as regards the army undress uniform for the regiments in India, which consists of a shell jacket and a pair of trowsers.

190. Have you taken any steps to procure clothing for the army at home?—Steps are now being taken.

191. Then, in point of fact, the operations of the clothing department, as regards clothing for the army, have been confined at present to the supply of the undress clothing for the regiments in India, for the years 1857 and 1858, and obtaining cloth for the infantry of the line for the years 1857 and 1858 also?—Yes.

192. How has this clothing for the infantry regiments in India been obtained?—The cloth was obtained from cloth manufacturers, and then after the cloth had been received at Weedon, and inspected, another contract was made.

193. First as to procuring the cloth; was the cloth procured by open tender?—By open tender.

194. Do you recollect how many tenders were received?—No; I should not like to say off-hand, but a great many tenders were received.

195. Colonel *Smyth.*] Tenders by advertisement?—Yes.

196. *Chairman.*] The cloth, of course, has been delivered?—Yes.

197. Have the deliveries, in your opinion, been satisfactory; have they been equal to the patterns?—Certainly, the deliveries have been equal to the patterns which were deposited in the army clothing department.

198. And those patterns were agreed upon by the Commander-in-Chief?—Yes.

199. Therefore the clothing department have no responsibility with regard to the patterns?— None whatever.

200. The responsibility of the clothing department was merely to see that the article they received was equal to the pattern, over the selection of which pattern they had no control and no responsibility?—Just so.

201. Colonel *Smyth.*] Has there been much delay in the supply of the cloth? —In one or two instances there has been delay, but generally speaking it has been delivered to the date.

202. *Chairman.*] Has that delay been injurious; has it prevented your sending off the clothing at the proper time?—I am afraid it has, to a certain degree.

203. To what proportion of the contract did the delay apply?—It was a delay of a month.

204. But to what proportion of the contract did the delay apply; suppose the whole contract to be 500,000 yards, to how much of that did the delay apply? —The delay applied to 10,000 or 12,000 yards, which we rejected, and the contractor has to make them up.

205. Mr. *Liddell.*] What test do you apply to the cloth to prove whether it is capable of bearing exposure to rain or sun without losing its colour?—The inspectors generally test it with acid; I believe that is so, but I cannot give an opinion upon this question, which is left to the inspector.

206. But it is tested?—It is tested.

207. *Chairman.*] Can you furnish the Committee with the names of the persons from whom this cloth has been obtained, and the price per yard?—I have a return in my hand, showing the persons from whom the tenders were obtained, and the prices.

[*The same was delivered in, and is as follows:*]

CONTRACTS FOR CLOTH.

NAME.	DATE.	DESCRIPTION.	PRICE.
			s. *d.*
Pollard, J.	24 Sept. (C/433)	200 yds. Scarlet, serjeant's great coats, Royal Artillery	10 –
Hebbert & Co.	13 Oct. (C/516)	50 „ Green, privates, British Foreign Legion	5 11
Gilpin & Co.	11 Dec. (M/606)	1,900 „ Blue, Turkish Contingent	13 6
Hebbert & Co.	6 Feb. (C/174)	160 „ Red, drummers, East Indies	8 5
Webb & Co.	„	5,000 „ Privates	„ 5 3
Ditto	„	450 „ White, for band	„ 8 4
Sheard & Sons	„	2,750 „ Grey, privates	„ 4 9
Ellis & Co.	„	10,000 „ Red, privates	„ 5 3 3/8
Wilkinson, J.	„	8,000 „ Grey, privates	„ 4 8
Carr, T.	„	1,100 „ Green, privates	„ 5 5
Ditto	„	5,000 „ Grey, serjeants	„ 4 9
Jubb & Sons	„	5,000 „ Grey, privates	„ 4 7 1/2
Hagues, Cook & Co.	„	5,000 „ Grey, privates	„ 4 7 15/16
Dolan & Co.	„	310 „ Red, drummers	„ 8 4
Neville & Co.	„	1,250 „ Grey, serjeants	„ 4 8
Swain & Sons	„	1,600 „ Grey, serjeants	„ 8 –
Carter, J.	1 March (Y/19,371)	5,000 „ Scarlet, privates	„ 5 5
Isaacs & Co.	„	30 „ Red, drummers	„ 9 9
Ditto	„	25 „ Bandmaster	„ 13 6
Ditto	„	63 „ Green, serjeants	8 11
Ditto	„	1,100 „ Green, privates	5 8
Ditto	„	50 „ Green, buglers	8 11
Kershaw, William	18 April (Y/19,389)	10,000 „ Red, drummers	8 11 1/2
Dolan & Co.	„	10,000 „ ditto	8 11
Purchon & Co.	„	5,000 „ ditto	9 –
Isaacs & Co.	„	25,000 „ ditto	9 2 1/4
Chadwick & Sons	„	10,000 „ ditto	9 2 1/2
Ellis & Co.	„	5,000 „ ditto	8 5
Ditto	„	5,000 „ ditto	8 7
Ditto	„	5,000 „ ditto	8 9

C. D. Ramsay, Esq.

1 July 1856.

208. Can you state the quantity rejected out of the total supply?—Of the quantity received there has been about one-fifth rejected.

209. This was the first experiment, and therefore the manufacturers were not aware how rigid the inspectors would be?—Exactly.

210. So that I presume there is no reason to expect that so much bad cloth will be submitted for inspection in future years?—I hope not.

211. Is the cloth that you are now going to supply to the army at home superior to that with which it has been the habit of this country to clothe its troops?—Very much superior; because private soldiers will, in future, be clothed in the same quality of cloth as that which the serjeants and drummers have.

212. Can you state the names of the parties from whom you are now obtaining this drummers' cloth?—They are down in that list.

213. Will you state more fully to the Committee what is the real difference between the cloth which is now going to be given to the troops and that which they have been in the habit of wearing?—The cloth which they have been in the habit of wearing is a cloth which looks very much like red baize; whereas the cloth which they are now to receive is the cloth which has been worn by the drummers and sergeants, and which is a very much superior cloth.

214. Is not it of a totally different texture?—Of a totally different texture altogether.

215. Can you state the prices which were paid last year to the army clothiers?—I hold in my hand a return which has been laid upon the table of the House of Commons, showing the prices paid. (*The same was delivered in.*)

216. Will you state the price which the public will have to pay for the new clothing of which you have been speaking?—The clothiers have been hitherto paid 1*l.* for a tunic of this old cloth; and from the information which I have received, we expect to get the new tunic made at a cost not exceeding 22*s.* 6*d.*, which is 2*s.* 6*d.* beyond the price of the old tunic. But then as to the shako, which is an important part of the soldier's dress, which the colonel paid the clothier 7*s.* 6*d.* for, we have received an offer from a great army clothier, who has been in the habit of supplying those shakos, to supply them at 5*s.* 6*d.*, which is 2*s.* less than he charged the colonel.

217. Then, in point of fact, I understand you to say that the clothing department will supply the army with infinitely better clothing than it ever has had before, without any increase of charge to the public?—Certainly.

218. Mr. *Liddell.*] The clothing department furnishes the material?—Yes.

219. The material, I presume, is furnished to the regimental tailor?—No; the material is only furnished to the regimental tailor in the case of the artillery and cavalry; the experiment is about to be tried in the Foot Guards; but as regards the infantry, which is the bulk of the army, the material will be issued to another contractor, in order that he may make it up.

220. What will be done with that material; by whom will it be made up?—Whenever the cloth has been received, we shall issue contracts to certain parties to have the clothing made up. It will be the duty of those parties whose tenders are accepted to send to Weedon and fetch the cloth, and to return the garments, when made up, to Weedon, at their own expense.

221. Is the clothing made in sets, or is each man measured?—It is made by a size-roll; every regiment sends in a size-roll of the sizes, and the contractor is obliged to work up to those sizes.

222. Colonel *Smyth.*] You mentioned that there was an increase of cost of 2*s.* 6*d.* upon the tunic?—I cannot give you that so very accurately; but from all the information that I have received, it is so.

223. As to the other articles, what is the case?—As to the trousers, I anticipate we shall make a saving of at least 1*s.*

224. Mr. *Corry.*] That you will obtain them one shilling cheaper?—One shilling cheaper than the clothiers have been paid; because the clothiers have been paid 9*s.*, according to that return, for the trousers, and we hope to get them for 8*s.*

225. Mr. *Brand.*] What will be the quality of the cloth for the trousers, as compared with the former quality?—The same.

226. Mr. *Corry.*] Is the cloth for great coats now required to be of a superior quality?—I believe it is superior to what it was some years ago.

227. *Chairman.*] Not superior to what it was two years ago?—Certainly not.

228. Is it not under consideration now to have a better description of cloth?—I believe it is.

229. Can you give in a return showing the cost price of the clothing that has been issued to the soldiers?—I have a return in my hand now, which has been prepared with a great deal of trouble and care, and which I am assured is accurate.

G. D. Ramsay, Esq.

1 July 1856.

[*The Witness delivered in the same, which is as follows:*]

Calculation of Cost of Tunic Coats.

		£.	s.	d.
54 in. wide -	17 yards cloth for 12 coats - - - - - - 5/9	4	17	9
„	$2\frac{3}{16}$ „ - ditto - - - for facings - - - - 5/9	–	12	7
31 in. wide -	9 „ serge - - - - lining - - - - 1/1	–	9	9
33 in. wide -	9 „ calico - - - - sleeve lining - - - /3½	–	2	8
32 in. wide -	4¼ „ holland - - - - pockets - - - - /4½	–	1	7
	¾ „ canvas for button stays - - - - - /4	–	–	3
	½ gross lace for edging, &c., &c. - - - - - 6/	–	3	–
	2½ „ buttons - - - - - - - 3/6	–	8	9
	Embroidering and making 12 pairs shoulder knots - -	–	6	–
	Wages for cutting 12 tunics - - - - - - /3½	–	3	6
	Ditto for making, as paid by contractors - - - 3/4	2	–	–
	Total Cost of 12 Tunics - - - £.	9	5	10

Cost of 12 Pairs Trousers.

		£.	s.	d.
54 in. wide -	14½ yards cloth for 12 pairs trousers - - - - 4/11	3	11	3½
36 in. wide -	1¾ „ calico for pockets and band lining - - - /3	–	–	5½
36 in. wide -	⅜ „ holland for fly facings - - - - - /6	–	–	4
	⅛ „ canvas for stays - - - - - - /5	–	–	2½
	Cloth edging for side seams - - - - - - -	–	1	3
	Buttons - - - - - - - - - -	–	–	3
	Wages for cutting 12 pairs trousers - - - - /1¼	–	1	3
	Ditto for making 12, as paid by contractors - - - /9	–	9	–
	Total Cost of 12 pairs Trousers - - - £.	4	4	–½

Cost of 12 Shell Jackets.

		£.	s.	d.
54 in. wide -	11⅓ yards cloth for 12 shell jackets - - - - 5/9	3	6	1½
	$1\frac{3}{16}$ - - ditto - - facings - - - - - 5/9	–	6	10
	Buttons - - - - - - - - - /2½	–	2	6
	Wages for cutting - - - - - - - /2	–	2	–
	Ditto - making, as paid by contractors - - - /11	–	11	–
	Total Cost of 12 Shell Jackets - - - £.	4	8	5½

	£.	s.	d.
Cost of tunic coat, each - - - - - - - -	–	15	$5\frac{5}{6}$
Ditto - trousers, each - - - - - - - -	–	7	$-\frac{1}{24}$
Ditto - shell jacket, each - - - - - - - -	–	7	$4\frac{11}{24}$

230. Will you state whether the clothing department have provided any other clothing than that which you have mentioned, namely, the clothing for the army in India, and the clothing which you have prepared for the years 1857 and 1858, for the army at home?—The clothing department have provided clothing for the embodied militia for this year.

231. How was that militia clothing obtained?—It was obtained mostly from the usual army clothiers, at the contract price.

232. It was obtained, then, in accordance very much with the old system?—No; when the militia required to be clothed, contracts were sent out to all the army clothiers; and when the tenders came in, they were divided amongst so many houses; so many regiments were given to one house, and so many to another.

233. But the system which you have described as that which is in the course of being adopted with regard to the regular army was not pursued with regard to the militia clothing?—Certainly not.

G. D. Ramsay, Esq.

1 July 1856.

234. Can you state why it was not pursued?—Because the army clothing department was just then formed, and this militia clothing was required urgently.

235. You had not got a staff of inspectors ready at that time?—No.

236. Colonel *Smyth.*] If the clothiers supplied the clothing for the infantry to the 31st of March 1857, would it not have been better to have gone on with the old principle for the militia for that year instead of changing the clothiers?—That was a question laid before the Secretary of State, but he decided otherwise; he decided that the clothing should be supplied by the public for the militia instead of by the colonel.

237. But the same system was adopted?—Yes.

238. By that system the militia colonel got no advantage?—No.

239. *Chairman.*] Have you provided any clothing for the Land Transport Corps?—Yes.

240. Can you state to the Committee how that supply was obtained?—It was obtained in the first instance thus: Colonel M'Murdo ordered it from Messrs. Hebbert & Co.; the prices charged by Messrs. Hebbert & Co. for the first supply were 20*s.* 4*d.* for the tunic, 10*s.* 7*d.* for the trousers, and 6*s.* for the hat. When another supply was required the Government went to a contract by competition.

241. That was before the clothing department was brought into operation, and those are the prices at which the articles were then procured?—Yes; but when we went to competition we obtained the tunics at 16*s.* 4*d.*, the trousers at 10*s.* 4*d.*, and the hats at 2*s.* 8*d.* instead of 6*s.*

242. You commenced stating, in answer to an honourable Member, the exact mode in which the supply of clothing is now conducted through its different processes before it arrives at the soldier; will you continue that statement with regard, in the first instance, to the artillery, and then go through the different corps?—The artillery are to make up their own clothing at Woolwich; the Government will simply contract for the materials.

243. The Government will supply the artillery with the cloth and the other materials?—Yes.

244. Who then will be responsible for making up those materials?—The officers of the artillery.

245. Will there be any officer who will be specially charged with that particular duty?—There is to be a special officer appointed, who is to be styled "Commissary of Clothing for the Artillery."

246. Have there been any calculations made as to the probable cost of that system as compared with the old system?—There has been a calculation made, which shows a saving of 14,000*l.* a year upon the artillery if they make up their own clothing.

247. Upon what sum?—Upon the sum which is now spent.

248. What is the sum which has been spent upon that; how much per cent. is the saving of 14,000*l.* a year?—I am afraid I have not got the return of the expense here, but it is in the Army Estimates.

249. Will you furnish the Committee with the report upon which that is founded?—I will.

250. And also with a statement showing what proportion that 14,000*l.* bears to the whole expense?—I will.

251. Mr. *Liddell.*] Will the officer whom you describe in each regiment to be responsible for the clothing of his particular regiment, undertake to have the work done for a fixed sum, to be paid him by the Government?—The Government will pay him so much per suit; the Government will make an allowance for incidental charges; and besides that allowance there will be a fixed charge per suit.

252. Captain *Laffan.*] What provision is made for making up the clothing for the Royal Engineers?—That is now under consideration, because the artillery first led the director-general of army clothing to believe that they could undertake the clothing of the Royal Engineers; but since then there has been some hesitation about it; the artillery seem to doubt whether they could do it.

253. Are you aware that the Royal Engineers very strongly object to such an arrangement?—I believe they do.

254. *Chairman.*] Is there any reason why the Royal Engineers should not do for themselves what the artillery are doing for themselves?—It involves the question of the expense of having two establishments.

255. Captain *Laffan.*] Is there any more reason why the artillery should make up the

the clothing of the Royal Engineers than that they should make up the clothing for the Foot Guards?—No more than that they have always been together.

256. Are you aware that that reason has ceased to exist, now that the Royal Engineers are removed to Chatham?—I believe it is so.

257. Mr. *Liddell.*] You have told the Committee in a former part of your evidence, that the Commander-in-Chief has the choice of patterns, subject to the pleasure of the Sovereign?—Yes.

258. I wish to ask whether, in the event of a pattern being suggested or recommended by the Sovereign, which was thought by competent authorities to be inconvenient or objectionable in any way, there is any power of appeal; and if so, have any instances come within your knowledge where objection has been made upon those grounds?—No; the only instance where there has been objection has been on the score of expense. The Secretary of State may object to it, and say, I do not choose to expend that sum upon clothing; but it is within the province of the Commander-in-Chief to give an opinion to the Sovereign as to the desirability of adopting such-and-such a dress; it only comes before the Secretary of State upon the question of expense.

259. Captain *Laffan.*] When you say the Commander-in-Chief and the Sovereign lay down rules as to the pattern, is that as to the quality of the clothing of the army?—Yes; the Commander-in-Chief takes the pleasure of the Sovereign upon all matters relating to patterns.

260. Then, in point of fact, the clothing department has nothing to do with the quality of the cloth?—Certainly not.

261. *Chairman.*] In point of fact, however, the clothing department has, I believe, been the means of introducing a better quality of cloth?—Yes; the director-general of army clothing recommended the Secretary of State to inform the Commander-in-Chief that he was prepared to sanction the drummer cloth for the army.

262. Captain *Laffan.*] The clothing department has nothing to do with selecting the quality of the cloth for the next year; the Sovereign or the Commander-in-Chief determines what quality of cloth shall be worn, and then it is within the province of the clothing department to see that that quality of cloth is obtained?—Yes; in the case of the drummer cloth for the army, the director-general of Clothing recommended the Adjutant-general to adopt that cloth, and the Adjutant-general recommended the Commander-in-Chief to submit that quality of cloth to the Queen, which was approved. The seal of the Commander-in-Chief was placed upon that quality, and the director-general of clothing has got to see that the cloth supplied is equal to that quality.

263. *Chairman.*] I think you stated that all the cloth received by the clothing department is inspected at Weedon?—Yes.

264. What number of persons are employed in that department at Weedon, and what are their salaries?—There is a Return to the House of Commons which will give you that information.

265. Mr. *Brand.*] Is there any Board or committee of officers appointed to consider the dress of the army?—No; but the Commander-in-Chief is empowered to call together a Board of officers whenever he pleases.

266. Does he practically do that?—He has not done so yet; but when the old Board of General Officers was abolished, there was a clause inserted in the warrant which empowered the Commander-in-Chief upon any occasion to call together a Board of General Officers.

267. He has not exercised that power yet?—He has not with regard to the clothing.

268. *Chairman.*] Are you acquainted with the system which is adopted in any foreign countries with regard to the provision of clothing for the army?—I can put a paper in, if the Committee will allow me; it is a translation of a description of the system adopted as regards the French army.

269. Can you describe that system, and in a few words state in what it differs and in what it agrees with the system now introduced into our army?—The French principally get their clothes made up at the head-quarters of the regiments. There is a company attached to every regiment, which is employed in making the clothing.

270. Their system is more like that which you have described as adopted in the artillery than in the line?—Yes.

271. Are not the depôts of the French regiments stationary?—They are always stationed at the same place.

G. D. Ramsay, Esq.

1 July 1856.

272. Does it appear to you that it would be possible to introduce that system into this country if the depôts were made stationary here?—I do not think it would be advisable to adopt that system at present with the infantry, which is scattered all over our vast colonial empire, and is frequently required to be moved at 24 hours' notice.

273. If the depôt of a regiment were stationary, and were charged with making up the clothing for the regiment, what would the objection be?—The military authorities have always objected to it upon the ground of the depôts not being stationary.

274. But if the depôt of an English regiment were stationary, why should not the depôt of the English regiment be charged with the conduct of making up the clothing for its regiment?—It is a measure which the Commander-in-Chief has so strongly objected to, that it has not been urged upon him.

275. But if the system you have described with regard to the artillery be a good system, and a system which leads to the clothing being better made up, and to getting it at a cheaper rate, why should not the same advantage exist with regard to adopting that system for the line?—It would be a good system if you could introduce it.

276. Supposing the depôts to be stationary, is there any difficuly in introducing it?—No.

277. Captain *Laffan.*] If the depôts of the regiments were fixed, there would still be the objection, that the complement of an English regiment is not sufficiently numerous to call for the services of a whole clothing company, like the regiments in France; but according to the new system it is intended that the regiments should be brigaded, and not only the regiments brigaded, but that the depôts should be brigaded; that three depôts should always be quartered together. When you have that system once introduced, three depôts always being quartered together, and those three depôts always occupying the same place, would there then be any difficulty in forming a clothing company for clothing those three regiments, and having it always at the head-quarters of the depôt of the brigade?—The Commander-in-Chief does not think it would be advisable to have in the regiments of the line military tailors at all. It was first suggested, that the clothing for the infantry should be made up in the same way as that of the cavalry; that is to say, that an allowance should be made to the commanding officer of every infantry regiment; that he should receive a fixed allowance per man for making up the clothing, and that that clothing should be made up by workmen under the superintendence of the master tailor of the regiment; that is the system to be carried out in the cavalry. The clothing department was very anxious to extend that system to the infantry; but on inquiry it was found that it would not be advisable to do so.

278. Do not you think it would be convenient to have a certain number of qualified tradesmen attached to every regiment, so that if a regiment should be suddenly called upon to take the field, it might carry with it a portion of those skilled workmen for the clothing service, leaving the remainder with the depôt?—It seems very desirable; but that is a military question upon which I am not competent to give an opinion.

279. When our army went to the Crimea the winter before last, and boots were sent out to the troops, those boots upon arriving there proved to be too small; the soldiers' feet had become swollen, and they found it necessary to wear additional stockings, and therefore the boots no longer fitted them, but cramped and confined their swollen feet; the men's feet became frost-bitten, and we lost a great number of men, owing to not having bootmakers out there to alter the size of those boots. Would it not have been of advantage to the army to have had attached to it a certain number of bootmakers, who might have taken to pieces those boots that were too small and enlarged them, or have purchased at Constantinople a certain quantity of leather for making new boots?—Certainly.

280. Mr. *Brand.*] Is it not the practice to have attached to the army a certain number of tailors and shoemakers?—Yes, always; but only sufficient to make any alteration or repair that is necessary, that is all.

281. Colonel *Smyth.*] I dare say you have observed that the French soldiers' clothes fit very much better than the English?—I have.

282. The soldiers appear to be more at their ease in them?—Yes.

283. Do not you think that if each regiment made up its own clothing at the depôt, as suggested, and as adopted by the Royal Artillery, there would be a saving in the clothing of each regiment?—Yes, and there would be this very great

great advantage, that every man would be well-fitted; you cannot fit men well by the size-roll; it is impossible.

284. It is not possible by the present system of size-rolls sent to your department to fit the men properly?—I do not think it is.

285. And because they cannot be fitted properly, there is an allowance of a shilling or two per suit for the alteration of the clothing, which would go to some extent to pay for the making of the clothing in the way suggested?—It would.

286. Has that plan been suggested to the Commander-in-chief?—It has with reference to the corps I have before mentioned.

287. But it has not met with his approbation?—He did not think it advisable that the army should make up its clothing.

288. An honourable Member asked you a question about tailors being attached to each regiment; are you aware that there is a master tailor attached to each regiment, who is perfectly competent to make the clothing, who frequently makes the officers' clothing, and very often alters and fits the privates' clothing?—Yes.

289. That is more remarkable in the regiments of cavalry, where more attention is paid to the clothing?—Yes.

290. Therefore would it not be desirable, in your opinion, to adopt something like the French system of having depôts and tradesmen attached to each regiment?—Yes; and the Secretary of State has decided that that system should be adopted in the cavalry; that is to say, the clothing is to be made up at the head-quarters of every cavalry regiment.

291. And by the artillery and by the guards?—Yes.

292. *Chairman.*] But not to be made up by the cavalry soldiers?—No.

293. Colonel *Smyth.*] You have stated that there will be a saving of 2*s.* upon a shako?—Yes.

294. Do you think that 5*s.* 6*d.* would produce a shako to last a soldier for two years?—The only answer I can give to that question is, that the army clothier who has sent in that price is considered one of the most respectable men in the trade, and he engages to furnish the same shakos at 5*s.* 6*d.* The artillery shako, which is a very good shako, which we adopted before the Busby, has been obtained even cheaper than 5*s.* 6*d.*, and there has been no complaint made by the artillery against that.

295. How long has that been in wear; four years?—I cannot answer that question.

296. Captain *Laffan.*] In the case you speak of, where one party has contracted to supply the shakos at 5 *s.* 6 *d.*, of the same quality as was formerly supplied at 7 *s.* 6 *d.*, is it not the case that he contracts to supply a very large quantity at that price; for the whole of the infantry, for instance?—No; tenders were sent out some time ago to all the principal army clothiers, to ask them at what price they would undertake to furnish any amount of shakos which might be required for the service of the infantry, for the years 1857 and 1858; and, upon the supposition that the infantry is 120,000 strong, and the shakos lasting two years, you will want 60,000 shakos. The tenders have come in; and this tender of which I am speaking, which is from one of the most respectable houses, is 5 *s.* 6 *d.*, for which he undertakes to supply the whole or any amount required.

297. But has not the reduction of price been in a great measure brought about by putting into one hand the furnishing of the whole supply of 60,000 shakos, instead of dividing it, as the colonels of regiments did, among a number of clothiers?—It has been brought about partly by that, and partly by the fact that the army clothiers now will be satisfied with less profit.

298. Mr. *Moffatt.*] In reference to the return which you have given in as to the contracts for cloth, how are those contracts made?—Those contracts are made by the Director-general of Contracts. All that the Army Clothing department has to do, is to send forward a requisition for a certain quantity of cloth.

299. Then you are unable to give the Committee any information how any discrepancies that may appear in this return with reference to the prices arise?—I cannot.

300. You cannot explain how, on the same day, the red drummer cloth appears to cost 8*s.* 5*d.* from one manufacturer, and 9*s.* 2*d.* from another?—No; I cannot explain that.

301. In fact, you can give no information with reference to the making of these contracts?—No.

G. D. Ramsay, Esq.

1 July 1856.

302. That does not come within your department?—No.

303. *Chairman.*] Still your department recommends what contracts should be accepted?—That is only within the last week or fortnight.

304. Mr. *Moffatt.*] Upon what data does it recommend that a contract should be accepted?—Only upon the knowledge of the respectability of the persons tendering.

305. Is it within your province to ascertain the respectability of the persons tendering?—The only manner in which we can ascertain the respectability of persons tendering, is from knowing how their former supplies have been made; whether good or bad.

306. Then, assuming that there should be also a number of respectable manufacturers tendering, who have never supplied goods before, what would you do in that case?—In that case we should be inclined to accept a tender from a person who we knew had before supplied good materials.

307. What steps do you take to get tenders from those parties?—The Director-general of Contracts will explain what steps have been taken; but I believe there is a list of persons to whom forms of tender are sent. When a requisition goes forward, the Director-general of Contracts sends forms of tender to parties on his list, and previously to accepting a tender he sends to the Army Clothing Department, and says, "Whom do you recommend should be accepted?"

308. There are 18 persons on the list; how many other persons have been invited to send in tenders?—I cannot say; but a great many more.

309. Mr. *Mitchell.*] You do not advertise?—We advertised on one occasion for a supply of cloth for the India regiments.

310. In practice, you merely send a letter to each of the parties on the list?—Yes.

311. Mr. *Moffatt.*] You cannot tell the Committee how that list is composed?—No.

312. *Chairman.*] Are you not aware that any person with good testimonials who applies to be put upon the list, is necessarily put upon it at once?—He is put upon it immediately.

313. Mr. *Moffatt.*] In reference to another return which you have handed in, No. 3, I see you there state that the alterations which the Government have lately introduced will make the economy in the clothing of the army equivalent to a saving of about 88,928*l.*; is that an estimate, or is it an actuality?—It is only an estimate.

314. You believe you will get the work done at those prices which you assume, but you do not know at present?—I do not know.

315. It is a proposal which is about to be put on trial, rather than a thing which is really done?—Yes.

316. Can you tell the Committee what is the relative cost of the clothing of the French army and the English army?—No, I cannot, but I will furnish it.

317. Can you give the Committee any notion of the inspection which goes on in buying the cloth, cutting the cloth, and making up the cloth; what inspection goes on during those three processes, and by whom?—Whenever the cloth is bought and delivered at Weedon, it is inspected there by the inspectors, and then when it is issued and the garments are returned made up, the garments are again inspected.

318. Captain *Laffan.*] Are your inspectors at Weedon aided in their duties by officers or non-commissioned officers from the army?—No; there are a great many people employed at Weedon, I believe, who have been old soldiers, because we have rather given encouragement to them in that respect.

319. It is the practice in the clothing department of the French army never to trust entirely to their own judgment, but every time they appoint the Board of Inspectors to receive cloth, to request the commandant of the place where the receipts may take place to name one or two officers of experience to come and assist the inspectors in receiving that cloth?—Yes.

320. You do not adopt that plan?—No, but it could be adopted with great facility.

321. Mr. *Moffatt.*] Is the whole of the clothing of the regiments of the line made up at Weedon?—No, the cloth is delivered at Weedon, and it is made up by contractors, either at London or elsewhere.

322. Why is it delivered at Weedon?—Because there happen to be large unoccupied stores at Weedon, and there is very good access by canal and railway.

323. *Chairman.*]

323. *Chairman.*] For instance, a great deal of the clothing is made up in Ireland?—Yes.

324. Mr. *Moffatt.*] But all the cloth is sent to Weedon in the first instance?—All the cloth is sent to Weedon.

325. Colonel *Smyth.*] Do the inspectors at Weedon also inspect shoes?—They inspect shoes also.

326. And accoutrements?—No; the accoutrements are inspected at the Tower.

327. Nor any regimental necessaries?—No, the regimental necessaries are still furnished by the tradesmen appointed by the regiments.

328. Mr. *Corry.*] Is the cloth for the cavalry inspected at Weedon?—Yes.

329. All the cloth for the army, in short, is examined there?—Yes.

330. Colonel *Smyth.*] With reference to the shakos, have you any objection to name the contractor who offered to furnish a large number at 5 *s.* 6 *d.*?—I should object to name the contractor, because his tender is not accepted yet.

331. Is it proposed to inspect those shakos at Weedon?—Certainly.

332. Will size-rolls of the men's heads be sent from Weedon?—Yes.

333. *Chairman.*] You have stated that in the French army there is a clothing company that makes up the clothing for the regiment; do you think that, even supposing it were considered desirable, it would be possible to have a clothing company to make up the clothing in the English army?—I think it would be very desirable, provided the military authorities had no objection.

334. So that the whole of the clothing of a regiment should be made up entirely by soldier labour?—Yes.

335. That is not the system adopted in the artillery?—Not entirely.

336. In the artillery the clothing captain, with certain serjeants under him, superintends the making up of the clothing; but it is not entirely made up by artillery soldiers?—I will explain that; to every company of artillery there are attached two tailors; no company is considered complete without two tailors. The head-quarters of a great many are at Woolwich; it is proposed to keep a great many of the tailors there, in number about 120, who would be the tailors of 60 companies; and then with the additional labour which they will get from Woolwich and London, they will be able to complete the whole of the clothing for the artillery.

337. But that is not the French system; the French system is, that the clothing should be all made up by soldiers?—Yes.

338. Would it not be impossible that that system could be introduced into this country where we have no conscription; does not the possibility of carrying that out with the French arise from the conscription, by which soldiers are taken from all classes of the population?—Yes; but in this country whenever a man came to be a good tailor or shoemaker he would leave the company and go elsewhere.

339. Mr. *Corry.*] What quantity of clothing can a man make in a week?—One man can make about three tunics a week.

340. Mr. *Moffatt.*] In the memorandum which you have handed in as to the duties of the Army Clothing department, it appears that it is a portion of their duty "to take the necessary steps for having the requisition duly complied with," but you have not stated to the Committee that you are able to do that without a contract; it cannot be done without a contract?—That will only relate to the Army Clothing department up to the 31st of March 1857.

341. Not as it is to be?—No, not as it is to be; it is only up to the 31st of March 1857.

342. Colonel *Smyth.*] With reference to the question as to the number of tailors in each company, would not ten tailors in each company be more than ample to make up the clothing for a company of 100 men, under the present system of requiring certain regimental duties for all soldiers?—I should think so, certainly.

Jovis, 3° die Julii, 1856.

MEMBERS PRESENT.

Mr. Monsell.	Sir Charles Napier.
Captain Laffan.	Mr. Brand.
Mr. Liddell.	Colonel Boldero.
Mr. Muntz.	Colonel Smyth.
Colonel Dunne.	Mr. Jackson.
Mr. Corry.	Mr. Moffatt.

THE RIGHT HON. WILLIAM MONSELL, IN THE CHAIR.

George Dalhousie Ramsay, Esq., called in; and further Examined.

G. D. Ramsay, Esq.

3 July 1856.

343. *Chairman.*] WILL you refer to your answer to Question 342; you were asked, "With reference to the question as to the number of tailors in each company, would not 10 tailors in each company make up the clothing of a company of 100 men?" And your answer is, "I should think so, certainly." Will you tell us how many tailors you think would be sufficient to make up the clothing of 1,000 men?—In answer to that question I may say, that Colonel Moncrieff of the Scots Fusilier Guards has offered to make the whole of the clothing of his regiment of 2,200 men, with 24 men employed the whole year round.

344. Do you mean that those 24 workmen will do the whole clothing for the regiment, that is to say, make up the clothing, keep the clothing in repair, and do everything which is necessary to be done to keep the regiment perfectly well clothed, and to keep their clothes in good order?—Yes.

345. You stated the last day that you were examined, that the system of off-reckoning was abolished in June 1854?—Yes.

346. Will you state to the Committee, had that system continued, what would have been the profit of every colonel who had a regiment upon the war establishment?—If the Committee will refer to the evidence given by Sir Willoughby Gordon in the Committee on Army and Navy Appointments in 1833, they will see that he states the profits of the colonel in round numbers at 15*s.* 3*d.* per man; a regiment when put upon the war establishment contains 2,000 rank and file, which at 15*s.* 3*d.* per man, would render the profits of the colonel 1,525*l.* 16*s.* 8*d.*

347. Colonel *Dunne.*] Do you speak of cavalry or infantry?—Infantry.

348. *Chairman.*] If a regiment did not amount to the number voted by Parliament, would the colonel receive his off-reckonings for the number voted, or the number actually existing?—The colonel would receive off-reckonings for the number voted; in point of fact, he would even in the circumstances to which the question referred have received the off-reckonings upon 2,000 men; and although the army was 40,000 men less than the number voted by Parliament, when the war ceased, if the old system had continued, clothing would have been paid for for 40,000 men who never existed.

349. Did the colonels do that in the last war?—Yes, under the same system.

350. Mr. *Liddell.*] Would the clothing itself have been paid for?—No, because the colonel got the off-reckonings to provide clothing; the public did not provide the clothing at all, and the colonel provided it out of the off-reckonings.

351. *Chairman.*] What would have been the total emolument, including pay, of every colonel in a regiment upon the war establishment under those circumstances?—About 2,000*l.* a year.

352. What were the total emoluments of each colonel under the peace establishment?—From 600*l.* to 700*l.* a year was considered as sufficient.

353. Captain *Laffan.*] That is the emolument calculated merely upon what they could save after providing the full number of clothes for which they have been paid?—Yes.

354. But your statement goes to say that if a regiment was nominally 2,000 strong, but really only 1,500, the colonel would have had only to provide 1,500 suits of clothing; and that, therefore, his profit would be not only the profit upon 1,500, but the whole price upon the remaining 500?—Yes, certainly.

355. *Chairman.*]

355. *Chairman.*] What do you calculate was the sum saved to the public by the abolition of the off-reckonings?—About 60,000 *l.* the first year.

356. How do you calculate that?—By taking Sir Willoughby Gordon's sum of 15 *s.* 3 *d.* for every man, and multiplying that by the augmentations made to the army since the war broke out.

357. In what time was that saving effected?—In about eighteen months.

358. Colonel *Boldero.*] Do I understand you to say, if a regiment had been sent to the West Indies 800 strong, and an epidemic had taken off 500 or 600 of them, the colonel would have got the pay for clothing the whole regiment?—Certainly.

359. Sir *Charles Napier.*] Suppose the regiment were 2,000 strong, and that there were only 1,500, do I understand that the colonel would get the 15 *s.* for that 500, or the whole sum paid for clothing?—He would get the whole of the off-reckonings; the off-reckoning is 2 *l.* 6*s.* per man.

360. If there were only 1,500 men, he would get 2 *l.* 6 *s.* for the odd 500 in addition to the 15 *s.*, and that would be the case if the regiment were reduced to 100 men?—Yes.

361. Colonel *Dunne.*] Would he not also be obliged to provide the clothing, whether the men existed or not?—I am not able to answer that.

362. Would he not also be obliged to provide the clothing if any casualties happened?—Certainly.

363. Have not you known many instances in which the colonel of a regiment has lost considerably by casualties?—Yes; and I have also heard of cases in which the public has replaced, under particular circumstances, that which the colonel has lost by circumstances over which he has no control.

364. Those were special occasions upon which it was supposed that the colonel lost more than was intended; are you aware that in the 16th Lancers the colonel lost a considerable sum?—No, I am not aware of that.

365. Are you aware that in the 7th Dragoon Guards the colonel lost in the same way?—No, I am not.

366. Was not the colonel, when he got this 2 *l.* 6 *s.* per man, obliged to run all risks?—Certainly.

367. Are you aware what the price of clothing an infantry soldier was, and the sum which the colonel was obliged to lay out?—It is stated in the evidence given in the Committees in 1850 and 1833. I am talking of the old coatee, which has not varied much in price; but, of course, the tunic has changed the matter.

368. Are not you aware that in the Session of 1833 statements were made by the army clothiers as to the price?—I do not like to speak from memory.

369. Could you say that Sir Willoughby Gordon was right in saying that 15 *s.* 3 *d.* was the exact sum gained?—Yes, I should think so; because if you refer to Sir Willoughby Gordon's memorandum in the Appendix to the Report of the Committee of 1833, you will see that he enters most fully into the subject.

370. Were not there other general officers examined?—Yes; by the War Office calculations Sir Willoughby Gordon's memorandum is always taken as correct, because they knew that he was well versed in the subject.

371. Captain *Laffan.*] You stated that the saving effected by abolishing the system of off-reckonings amounted to 60,000 *l.* a year?—Yes.

372. Ought you not to have taken other elements into consideration; you say the saving amounts to 15 *s.* a man, which you multiply by the augmentation, but ought not you to multiply that by the numbers of the whole army, because the saving is not only upon the augmentation, but upon the whole army?—Yes; but the saving upon the whole army would be a saving through each year.

373. Supposing the system had gone on, and the army had remained for a year or two at its present number, would not the saving have been 15 *s.*, multiplied by 200,000, which would have amounted to 150,000 *l.* per year?—Yes.

374. But you do not take that into the calculation in estimating what the saving was?—I simply made my calculation with reference to the augmentation of the army from the peace establishment to the war establishment, upon which, had the old system of off-reckonings continued, I think that we should have paid 60,000 *l.* and odd more than we have paid during the present year; but I did not calculate for future years.

375. Sir *Charles Napier.*] Suppose a ship is lost with clothing on board, does the colonel pay for that?—Certainly he did, by the old system; he ought to insure.

G. D. Ramsay, Esq.

3 July 1856.

376. Supposing a lot of clothing sent on shore by a boat to a regiment, should you imagine, if the clothes in the boat were lost, he would have paid for that?—That is a question for the underwriters.

377. Colonel *Dunne.*] However he may secure himself by other precautions, still the contemplation is, that the clothes are supplied at his cost?—Certainly.

378. Colonel *Boldero.*] Do you include these risks in the calculation you have made of the saving effected by the new system?—No; because the Government never insures.

379. Sir *Charles Napier.*] Supposing clothing actually landed on shore when the insurance ceases, if by sending the clothes to the regiment it is damaged, does the colonel pay for it?—When the regiment is on a foreign station, when once the clothing is landed for the regiment within a certain distance of the place where the clothing is disembarked, it comes into the hands of the Government, and they convey it.

380. If it is damaged so that the soldiers cannot wear it, does the colonel pay for it, or not?—I should not like to answer that question off-hand, because I do not know of any cases having occurred.

381. Might not there have been a great many cases of that sort?—Yes, in the war there might; but the colonel's off-reckonings ceased just as the war broke out, and therefore all those losses came upon the public, and not upon the colonel.

382. Colonel *Dunne.*] The public have now to bear any losses which formerly were borne by the colonel?—Yes, certainly.

383. Sir *Charles Napier.*] Formerly the colonel suffered in these cases?—Yes.

384. Colonel *Dunne.*] The system is totally abolished?—It is.

385. Were there not other considerations for abolishing it, which were paramount; was not the unpopularity of the commanding officer making money by the soldiers an element that entered into consideration in its abolition?—I believe the Government of the day decided upon abolishing it; and I do not like to give an opinion upon that.

386. Still it has been abolished, and satisfactorily abolished?—Yes.

387. Are you the head of the clothing department?—No, I am not the head of the clothing department; Sir Thomas Troubridge is the head of the clothing department.

388. Are you the Assistant Director-general of Clothing?—Yes.

389. What are your duties; are you under Sir Thomas Troubridge?—I generally have to assist Sir Thomas Troubridge in discharging his duties, and superintending the correspondence.

390. Are your duties confined to the army clothing, or do they extend to the army accoutrements?—They extend to clothing appointments and equipments.

391. Have you anything to do with the barracks?—No.

392. Would you tell me what is the staff in your department? -I have a return in my hand now, which I wish to deliver in, of the number of persons employed in our department.—(*The same was delivered in.*)

393. Was not there an Order in Council for fixing the new arrangements of the War Department, dated the 11th June 1855?—Yes.

394. This Return of the Ordnance Department, that you have put in, is of the 1st of April 1856?—Yes.

395. Has there been any change since the Order in Council in the organisation of the War Department?—I am not competent to give an answer upon that question, it does not refer to my department at all; there has been no change in my department since the Order in Council.

396. Is your department mentioned in the Order in Council?—It is.

397. According to the order it consists of the Director-general and the Assistant Director-general; they said nothing of any other officers. Has the staff of clerks been organised since that date?—Certainly.

398. Does your return state the whole number of clerks employed in it?—There have been some temporary clerks employed since the return has been made up.

399. Can

399. Can you tell me the expense of the whole department?—The salaries amount to 3,400 *l.*

400. Inclusive of clerks?—Inclusive of clerks. That only relates to the establishment in Pall Mall.

401. What are the other branches of the establishment?—The establishment at Weedon.

402. What is the expense of that establishment?—About 11,000 *l.*

403. Will you put in a return of that?—It is mentioned in the return that I have handed in.

404. Have you anything to do with the choice, either of the form, the class, the appointment, or the quality of the materials?—Nothing whatever.

405. Who is that managed by?—By the Commander-in-Chief.

406. Does he choose the quality of the cloth as well as the pattern of the clothing?—He does not choose the quality of the cloth, but he chooses the pattern and the colour.

407. Who decides upon the quality?—In the case of the late improvements, the improved quality of the cloth was decided upon by the Secretary of State.

408. Are you aware that formerly there was a Board of general officers for the inspection of clothing, who decided upon the pattern and quality?—I am aware that they decided upon the quality, but I am not aware that they decided upon the pattern.

409. Were not all patterns brought before the Board of Clothing, and when they decided, approved of by the Sovereign?—I believe that the Commander-in-Chief generally referred all questions of patterns to the Board, but I am not able to say that he adopted the recommendations of the Board.

410. That Board is now abolished, and there is practically no one but the Commander-in-Chief, who decides upon the pattern and colour of the clothing?—By the warrant which abolished the Board of general officers, the Commander-in-Chief still is empowered to call together a Board of officers whenever he pleases.

411. Does he do so practically?—He has not done so since the formation of the clothing department. On the abolition of the system of clothing by the general officers, this system was adopted, which is the one which is in existence at present.

412. Are you not now in a kind of intermediate state?—We are in a kind of intermediate state. When the public took all the engagements entered into by the colonels, the clothiers, instead of sending in their bills to the agents of the colonels, sent in their Bills to the War-office, for the year 1854–55, where they were examined and paid, and to the Director-general of Army Clothing, for the year 1855–56, who examined the bills and and paid them.

413. Who appointed the clothiers under the old system?—The general officer, the colonel of the regiment.

414. What was done with the pay of the clothiers for the year in which the off-reckonings were stopped, and the amount of 600*l.* or 700*l.* a year given instead?—The public paid the clothiers' bills for one year.

415. Was that the current year or the subsequent year?—They paid the bills for that current year.

416. Was any alteration made in the clothing during that period?—The clothing was changed, during the year 1854–55, if I speak correctly, from the coatee to the tunic.

417. Was that done universally, or only partially, and in some regiments?—I cannot take upon myself to say.

418. Did you give a different allowance for the coateee than for the tunic?—The colonels never got any off-reckonings for the tunic at all; the off-reckonings ceased with the coatee.

419. Colonel *Smyth*.] Have you ever heard it complained that the quality of the tunics was inferior to that of the coatees?—I have heard a great many complaints about the tunics, and especially from the cavalry regiments.

420. Mr. *Liddell*.—Would you explain the term "off-reckonings," as applied to the colonel?—It is a certain sum granted by the public to defray all the charges of the clothing and the accoutrements, the colonel paying the sum, and whatever profit he derived was called off-reckoning.

421. That was under the old system?—Yes.

422. And is now entirely abolished?—Yes.

 423. Colonel

G. D. Ramsay, Esq.

3 July 1856.

423. Colonel *Dunne.*] You had, I believe, a very large additional quantity of clothing to find when you first came into office?—Yes.

424. Had not you to supply the militia, as well as the regular forces?—Yes, we had the militia to clothe.

425. How was the system of clothing the militia carried on?—When it was decided to clothe the militia by contract tenders, we sent to most of the army clothiers in London and in the country, and when they sent in their prices the supply was divided among a certain number, and all the London houses that had been in the habit of supplying clothing to the army got a portion of that supply.

426. Was there ever any inquiry made as to the ability of those houses to furnish proper clothing?—Most of those houses were old and experienced houses, and of good reputation.

427. Were not there several regiments of militia of which the colonels were directed to make contracts with individual clothiers, and send in the bills for that clothing?—In only one instance; and that was as to boots, not as to clothing.

428. Was there no clothing found in that way?—No clothing at all for this year.

429. Was it so for last year?—The whole clothing for last year was provided by the colonels.

430. Was not part of it found by the Ordnance?—The colonel had the option of receiving the clothing either from the Ordnance or of providing it himself; the Ordnance provided the fatigue suit for the men.

431. Were not there great complaints amongst every regiment of the clothing?—As the clothing was issued before I came to the Clothing department, I do not like to answer that question.

432. Was there any complaint made in those regiments where the colonels supplied the clothing?—In some instances there have been complaints made.

433. Was there any possibility under that system either of the Government or of the soldier losing?—There was certainly no possibility of the Government losing, because the Government held the colonels responsible; but there was great probability of the soldiers losing if they got bad clothing.

434. You say that you have heard of complaints when the colonels supplied the clothing, but you feel a difficulty in saying that there were complaints when the Ordnance sent; have not you shown more delicacy towards the Ordnance than towards the colonel?—The Ordnance clothing was supplied before I came to the Clothing department.

435. Was not it so with the colonel?—Yes; but I have seen the reports on the colonel's clothing.

436. Are not you perfectly acquainted with all that has occurred with regard to clothing furnished by the Ordnance?—I am not competent to give an opinion upon this clothing, because it was sent before I came to the department.

437. Are you aware of the great-coats that were supplied?—Yes.

438. Are not those supplied by the Ordnance of the worst description?—To show that the great-coats were not so bad, I may state that the great-coats cost 13 *s.* to 14 *s.* each, when they were new; and after they have been worn by the soldiers for three years they invariably fetch a price not exceeding 2 *s.* 6 *d.*

439. You do not say they were very good?—I do not say they were very good, but it is my belief that they were not so very bad.

440. Were not there complaints?—Not of later years.

441. Was not there a great delay in supplying the regiments with accoutrements and arms in almost every instance?—The Committee must bear this in mind, that at the breaking out of the war, the Ordnance Establishment were very much reduced, as at all times they were, and there were certainly delays at the Ordnance.

442. Are you aware that those delays were not so frequent while the commanding officers found the clothing?—I do not know whether I can answer that question, because I am not aware when the delays took place.

443. As to the quality of the clothing, you say the Commander-in-chief does not decide upon that; will you tell me who decides that?—The Commander-in-chief certainly decides upon the pattern, and the form and the colour, and the Secretary of State decides upon the quality.

444. Does the Secretary of State decide without any reference to persons who are acquainted with cloth?—He referred, I think, in this case, to the cloth inspectors of Weedon, and they reported in favour of the cloth.

445. Who were those cloth-inspectors, were they skilled men?—They were skilled men, and brought up in the cloth trade.

446. Mr. *Liddell.*] You say they were reported upon by the cloth-inspectors at Weedon?—Yes.

447. Is that the only depôt to which the cloth is sent for the whole kingdom?—Yes.

448. Colonel *Dunne.*] That is for this present year?—Yes.

449. In the intermediate year, who settled upon the quality of the cloth?—In the intermediate year it was the old cloth made into tunics instead of coatees.

450. Was it the same cloth as before?—I believe so; I had nothing to do with the clothing, but that is my impression.

451. In fact, the inspectors at Weedon are the persons who decide upon the quality of the cloth for the British army?—No; when a cloth is proposed for the army, it is usual to refer the cloth to persons who are judges of the quality.

452. Are you aware that when the clothing is sent to the regiment, there is a Board of officers assembled, according to the regulation of the army, by the commanding officer to inspect it?—I was aware of that.

453. Do they send in a report of it?—They do.

454. If that report is contrary to the opinion of those inspectors, has the regiment any redress?—There has been no clothing, with the exception of the Militia clothing, which has been sent from Weedon; very little of the Militia clothing was examined at Weedon; most of it was sent to the regiment, and the clothier has been paid upon the certificate of the regiment.

455. That was in the intermediate year?—Yes.

456. For the current year, is that the system still?—It was adopted this year.

457. Are the Boards of clothing of the regiment the persons to decide, to the satisfaction of the country, upon the quality of the cloth?—Certainly not; we were very hard-pressed at Weedon for our supplies, and therefore it was thought advisable to send the clothing to the head-quarters of the regiment without being inspected at Weedon. A Board was ordered to be formed upon that, and upon the certificate of that Board the army clothier was paid.

458. Did not you rely upon the Board as to the quality in that case?—We certainly did.

459. *Chairman.*] Was not this before the establishment at Weedon was completed?—Yes.

460. Colonel *Dunne.*] Were sealed patterns sent in this case?—Sealed patterns were sent.

461. And the Board reported whether the clothing furnished was conformable to those patterns?—Yes.

462. Was there any dissatisfaction, or any doubt as to the report of this Board being correct; were the reports satisfactory?—They have not all come in, but some have been satisfactory.

463. Have any complained?—Some have complained.

464. What would be done in those circumstances; what is the intention of the Government with respect to the clothing reported to be bad?—The Militia being disbanded, the clothing is returned into store; but when the clothing was sent out, I think we said that after the clothing had been six months in wear, it was to be reported upon by the officer commanding the regiment, and if that report was unfavourable to the quality of the clothing, it would materially affect the prospect of the clothier as to future orders from the Government.

465. Is there nothing in the contract which placed a fine upon him for delivering bad clothing?—Certainly; he is bound by the usual contract.

466. Colonel *Boldero.*] Do you put the six months into the contract?—No; we put it in the letter to the clothier; when his offer was accepted, he was told the commanding officer would report upon that after it had been six months in wear.

G. D. Ramsay, Esq.

3 July 1856.

467. Had you paid him previously to that?—Yes; but the clothing was supplied by men in the trade who had established houses, and therefore, of course it was of great consequence to them to preserve their good name, because their position with the Government would be seriously affected by it.

468. Suppose you enter into a contract with a manufacturer for 120,000 yards of cloth; it is delivered at Weedon, and passes the inspection at Weedon, and then you parcel it out to the different army clothiers to make it into clothing for the army; is not that so?—Yes.

469. After it has been worn six months, have you the power of condemning the original contractor, and making him take the clothing back?—No, we have no such power, because the contractor is paid for the clothing after the cloth is inspected at Weedon; but we should not call upon the clothier to take back the cloth if afterwards found to be very bad; we should never think of employing him again.

470. *Chairman.*] Do you think that bad cloth could pass the present examination at Weedon?—I think there would be great difficulty in it.

471. Colonel *Boldero.*] Supposing cloth is examined at Weedon, and is sent out to different clothiers, and it is proved to be bad afterwards, will the soldier have any remedy?—The soldier will have no remedy.

472. Or the Government?—The only remedy the Government would have would be by striking the clothier off the list; if a report came from the regiment that the clothing was badly made up, we should know that the person to blame was the party who made up the clothing.

473. According to the old system, after the clothing had gone through every inspection, until it arrived at the regiment, was not there a Board of officers, consisting of the quartermaster, the adjutant, and others assembled to inspect the clothes, and was not the contractor bound to take them back if they were condemned?—Yes; but I think the Committee will find that in few instances the cloth was sent back.

474. Mr. *Liddell.*] If the Board of Clothing found it bad, were not they obliged to take it back?—I cannot say.

475. Colonel *Smyth.*] Is not it practically correct that there are instances in which the clothing was reported bad?—I am not able to answer that.

476. Sir *Charles Napier.*] Is the whole of the clothing for the army made at Weedon?—No.

477. Where is it made?—It is made by the different contractors in the country.

478. It goes to Weedon, and is from there distributed to the regiments?—Yes.

479. When the cloth goes to the regiment, is it all taken to pieces, and put together again by army tailors?—It is fitted at the regiment.

480. Practically speaking, if the men put their clothes on, and find they do not fit, they are made up again?—In some regiments that is done.

481. Must not that be done in all regiments when the clothes do not fit properly?—The regiment cannot exceed their regulated allowance of 1 *s.* for alterations, of which the public pays 6 *d.* and the soldier 6 *d.*

482. Are not the regiments fitted in that way?—Yes.

483. Are there no means of avoiding that?—The means of avoiding it would be by having the clothing made up at the head-quarters of the regiment.

484. Is there any objection to that?—There is an objection made by the military authorities to that.

485. Captain *Laffan.*] You stated just now that during the intermediate period, when you were unable to inspect the cloth for clothing at Weedon, you had the clothing sent direct to the regiment, and you sent to the regiment a sealed pattern of what the clothing ought to be, and that then the Board of officers examined the clothing according to the specimen sent to them?—Yes.

486. Was not it competent to that Board, if they found that the clothing sent to them did not equal the specimen sent from the War Department, to compel the contractor to take it back?—No; under those circumstances, I do not think they could compel the contractor to take back the clothes, because the contractor was bound to deliver the clothing at Weedon, and the engagement was, that he should be paid after the clothing had passed inspection at Weedon; and therefore

fore I think the way in which they have been punished has generally been by not employing them again.

487. Mr. *Corry.*] Is there any inspection after the clothing is made up?—Certainly.

488. Does that take place before it is sent to the regiment?—Certainly.

489. Colonel *Dunne.*] I understand that that examination was adopted in the transition state of the business, and that in future that is not the plan to be adopted?—In future we shall certainly require a report from the commanding officer of the regiment as to the quality of the clothing.

490. Is not the clothing to be inspected at Weedon by the viewers?—Yes.

491. After those viewers report the clothing proper, you will pay the money?—Yes.

492. Then is not the inspection of the clothing by the officer commanding the regiment entirely useless?—It cannot be said that it is useless; because we shall know exactly who the manufacturer is who has sent bad clothing. We shall know who the person is who has made up the clothing, and therefore the remedy we shall take will be never to employ those parties again.

493. *Chairman.*] Will not the inspection of which you speak be a great check upon the Clothing department?—Certainly; because if the regiment condemn the clothing, we should have an investigation at Weedon, in order to see how it was that the clothing was examined.

494. Colonel *Dunne.*] What redress would the soldier who had bad clothing have?—I presume the soldier would have a claim for compensation.

495. Is the system laid down by the War Office, that where bad clothing is sent to a regiment and reported by the Board, the soldier who gets the clothing is entitled to compensation under any system?—I trust that the system of inspection will be so good that bad clothing will not be sent.

496. Is it intended that compensation shall be asked for?—Under the warrant, if a soldier gets bad clothing that would not last him the prescribed time, he certainly has a claim for compensation.

497. Is not the whole department of clothing of the army in England obliged to trust to the efficiency of those viewers at Weedon?—No; because the viewers are checked again by the commanding officers of the regiment.

498. For the year, are they not obliged to trust to the efficiency of those viewers at Weedon?—For the year, certainly they are.

499. Therefore you put the whole of the inspection of the cloth inspected by you into the hands of men of that class?—Yes.

500. What are their salaries?—I believe the amount of their salaries is given in the Return I have handed in.

501. Colonel *Boldero.*] Do you think you could get any contractor to make a contract with you to supply clothing if you put in terms that the clothing should be worn six months before he is paid?—That only applies to one particular time; there was a great demand upon the whole department for supply of clothing, and we got it from well-established houses, and a letter was written to every one of those houses to say that if the clothing turned out to be bad, their position would be seriously changed with regard to future supplies.

502. Colonel *Dunne.*] In the former contract, was not there provided a power of replacing clothing such as exists at Weedon?—They do not seem to adopt it. The general object of the Clothing department now, is to pay the contractor as soon as possible; if we delay the payment received for clothing each regiment, of course he will be obliged to increase the charge.

503. The salaries of those inspectors are from 300 *l.* to 350 *l.* a year?—Yes.

504. Are you aware that it is difficult, even for the most practical men, to know whether certain clothing is good or bad?—I believe it is.

505. Are you aware that even men in the trade will not know, until it has been worn, whether it is good or not?—I believe so.

506. Would not it be well to suspend the payment of the clothing until it has been some time in wear?—The remedy must consist in striking the contractor, without mercy, off the list, if the supply is bad.

507. Then you think the inspection by the regiment is practically not as useful as the system laid down now?—If the clothing were to pass the inspectors at Weedon, and the regimental Board should condemn the clothing, I should recommend that the contractor be struck off the list.

 508. *Chairman.*]

G. D. Ramsay, Esq.

3 July 1856.

508. *Chairman.*] Would you not recommend that the inspectors should be struck off the list also?—Yes.

509. Colonel *Dunne.*] Is not the clothing sent to Weedon?—Yes.

510. And from Weedon distributed to the different barracks?—Yes.

511. Have you made any calculation as to the expense of transporting and re-transporting the clothing in this manner?—Yes, there has been a calculation made.

512. Will you put it in?—Yes.

513. *Chairman.*] Take it from a distant part of Ireland; can you state what per-centage of the expense the cost of transport is?—I think that the charge that was made for conveying the militia tunics from London to Weedon was something about 1½ *d.* a garment.

514. Was not it stated by the contractor at Limerick that it was one per cent.?—Yes, but it is less for an Irish contractor. It is less expense to him to send to Weedon than to London.

515. Mr. *Corry.*] Are not the inspectors at Weedon a check upon one another?—Certainly.

516. The cloth is not examined by one inspector only?—Certainly not. There are different classes of inspectors.

517. Mr. *Liddell.*]—In the event of the Board of officers, to whom the clothing is submitted after it has been viewed and passed by the inspectors at Weedon, complaining, is there any power to make the contractor refund any of the money that has been paid to him?—No, none, because the contractor is paid immediately after we receive the certificate from the inspector at Weedon.

518. Colonel *Dunne.*] Under the old system, was there any central inspector of clothing?—There was an inspection under the old system by the Deputy Adjutant-general and the Deputy Quartermaster-general.

519. Was not that inspection practically useless?—I have not seen the inspection, and therefore I should not like to say that it was practically useless.

520. Do you think that the Deputy Adjutant-general, or any officer of that kind, could inspect the whole of the clothing?—I have often thought it extraordinary that the Deputy Adjutant-general could find time to inspect the clothing.

521. Therefore was not the only check that the soldiers had, this Board that you have been speaking of?—It was not the only check. A great check was the regimental Board.

522. Do not you think that after doing away with the central establishment you might depend upon the regimental Board?—No, because upon the regimental Board there is no man of practical experience. There is no man who has been brought up in the business, and who can tell whether the cloth is good or bad; and I think the contractors may be often hardly used; whereas at Weedon the cloth is inspected by persons who know what they are about.

523. Do you think that not having a regimental Board is a protection to the contractor, and not to the Government?—I think it is a protection, both to Government and the contractor.

524. Is it the business of the Government to look to the interest of the contractor; will not he look to himself?—I think that when the Government enter into an engagement with the contractor, they are bound to protect him, and to give him a fair chance that his goods should have a fair inspection.

525. Do you think that the officers of the regiment would not give them a fair inspection?—No, I do not; but I think that if a contractor has made a certain quantity of cloth, he would deserve to have it inspected by a person brought up in the cloth trade.

526. Has not the regimental Board every motive for getting a good article from the clothiers; and do not you think that the quartermaster and the master tailor are fully efficient for inspection?—Yes; but I am doubtful whether a regimental Board could give an opinion upon the quality of the clothing until it was in wear.

527. Can the inspectors at Weedon give a better opinion?—They are better able to inspect the clothing, if they inspect the cloth by itself first, but it is very difficult indeed to detect bad cloth when it is made up into a garment.

528. Do you think, from your experience of general establishments, that the expense of transporting the clothing from the clothiers to Weedon and from

Weedon

Weedon to the different stations where the regiments are quartered, in order to get the inspection of half a dozen inspectors, is justifiable?—Yes.

529. Sir *Charles Napier.*] Have your inspectors been brought up to the cloth trade?—Yes, all of them.

530. You have taken particular care of that?—Yes; they are employed upon certificates from their former employers.

531. Colonel *Dunne.*] Are you aware that there have been complaints, not only from the Crimea, but at home, about the clothing furnished under the new system?—No, I am not; because there has been no clothing furnished under the contract system.

532. Has the army been supplied under the new system at all up to this moment?—Not in the Line or in the Cavalry.

533. Has any regiment been supplied in that way?—The Land Transport corps and the Militia have been supplied in that way.

534. Was there any complaint on the part of the Land Transport corps?—There has been a complaint from the Land Transport corps generally.

535. Do you recollect the circumstances of that contract?—The first contract entered into for the Land Transport corps was a private contract entered into by the colonel of the regiment.

536. By whom was the next contract entered into?—The next contract was entered into by the War Department.

537. Was the contract entered into by the colonel found fault with?—Yes.

538. Was there any complaint of the next contract?—I have not received any report of the next contract.

539. Were not the trousers and the clothing of the Land Transport corps objected to?—The circumstances attending that contract were these; there was a requisition made from the Horse Guards to provide overalls for the Land Transport corps within eight days; therefore we sent out circulars asking the clothiers to supply them, and none of them would supply the cloth required within the period. Then an army clothier came forward and said that he had a certain qualtity of cloth, which he offered to supply upon the required terms. It was reported to me (Sir Thomas Troubridge was then absent) that this cloth was offered, and an engagement was signed with the man; and I then said, "A complaint has been made against the cloth; it will be sent out to the regiment with a mark upon every pair of overalls; a report will be made by the commanding officer of the regiment, and, if the report is unfavourable, your name will be struck off the list of contractors. I will give you the opportunity of either withdrawing the cloth or abiding by that decision." And he immediately said that he would abide by that decision; and Colonel M'Murdo promised me a report on that subject.

540. Were not there sealed patterns given in that case?—Yes.

541. Did not several clothiers offer for it?—Several clothiers offered for the first cloth, which was a sort of overall cloth, but it could not be supplied within eight days.

542. Was not the contract for it taken at a much lower price than the generality of the trade offered for?—Yes.

543. Did you ever see the first sealed pattern?—I never saw the first sealed pattern for the Land Transport corps. I do not think there was one; I am speaking from memory.

544. Was the second sealed pattern inspected by the viewers?—The viewers were not then in existence. It was during the time of the commencement of the Army Clothing department, at the commencement of the winter, when the Land Transport corps was pressing hard for clothing.

545. Would not they depend entirely upon the Commandant of the Force for the quality of the cloth?—Certainly.

546. You sent it out with a sealed pattern?—Yes.

547. And no report has yet been received of it?—No, but Colonel M'Murdo promised me when he was in this country, that he would have a report made of it when it had had six months' wear.

548. Mr. *Corry.*] No clothing has been sent off to the army under the existing system as it is intended to be worked?—None, except to the Land Transport corps, and that was viewed at the Tower.

549. Strictly speaking, that was not supplied under the system as it is intended to be worked?—No.

G. D. Ramsay, Esq.

3 July 1856.

550. Colonel *Boldero.*] Have not the Ordnance Department always been in the habit of receiving their own clothes?—Yes.

551. Was the clothing supposed to be finally received until it had passed through the Board of officers at Woolwich?—The clothing for the Artillery and the Sappers and Miners always passed through a Board of officers, and the contractor was not paid until it was approved by them; the clothing was not inspected at the Tower, but it was inspected at the Arsenal at Woolwich, by a Board of Artillery officers assisted by the master tailors of the different establishments.

552. And the clothing, after it was made and delivered at Woolwich, was sent to all parts of the world where we have artillery quartered?—Yes.

553. Have you looked over the papers of your office with regard to any complaints that used to be made about this clothing?—The Artillery have always been well clothed. I never heard of any complaints. The inspection was an example of what the contract system with good inspection is, because the inspection is most rigid at Woolwich, and the Artillery are always well clothed.

554. Is the colonial corps also clothed in the same way?—Yes.

555. Are there many complaints with regard to the clothing of that corps?—No, I do not think so.

556. What was the system of providing for the clothing?—The clothing was provided by contract, with inspection at the Tower by the proper authorities.

557. Has that system worked well?—I have heard of few complaints.

558. Colonel *Dunne.*] Was there subsequently a regimental Board held when the clothing was sent to the regiment to examine it?—There was a regimental Board held for the Colonial Corps, but I do not think that its decisions were at all binding upon the contractor, because the contractor was paid after the clothing had passed the Tower; but I may be wrong upon that point.

559. Colonel *Boldero.*] Can you tell us what is the difference of price between the Artillery clothing and the clothing of the Line?—It is in the return that I have handed in.

560. Can you give us a calculation of the cost of the shell jackets upon the old system, both in the Artillery and the Colonial Corps?—Yes.

561. Colonel *Dunne.*] Are you aware how the sappers are clothed?—The Sappers are clothed in the same manner as the Artillery exactly.

562. Have you ever been aware whether the clothing of the sappers was as good as, or inferior to, that of the line?—It is far superior, as I have always been told.

563. Was it more expensive?—Yes.

564. For the privates?—Yes.

565. Was it made up by contractors from the Ordnance?—It was made up by contractors from the Ordnance, but it was inspected in the same way at Woolwich.

566. How are the Guards supplied?—They are supplied under the old system.

567. Will you describe that system?—They are supplied under the system of off-reckonings to the Colonel.

568. Is it intended that they should remain under the same system?—No.

569. How are they to be supplied with clothes?—There is an experiment to be tried in the Guards of making up their own clothing; some of the officers expressed a willingness to be allowed to make up their own clothing; they think they will do it better than if it were done by contract, and certainly they will do it at a large saving.

570. Will they do it by employing the men, or by hiring tailors?—I believe that this year they are going to enter into an engagement with a clothier to provide workmen to be employed in the barracks; but for the years 1858 and 1859 they will be allowed a contingent of 24 men for every regiment, over and above the establishment.

571. Are those men to be considered as soldiers, and to be liable to military discipline?—They are to be considered as soldiers, and to be under military discipline.

572. *Chairman.*] What is the strength of a regiment of Guards?—The Grenadiers are 3,000 strong; the other regiments are 2,200 strong.

573. How many men will the 24 men make up clothing for?—The Scots Fusilier Guards have offered to make up the clothing for 2,200 men in that way.

574. Colonel *Dunne.*] Under the new system you do not contemplate that the

the men are to make up the clothing?—The Commander-in-Chief has expressed a strong opinion against the desirability of the infantry of the line making up their own clothing, and it has not been pressed.

575. Are you aware that the cavalry have for years made up their own clothing?—The manner in which the clothing was made was this: the clothier gave out the materials, and the master tailor of the regiment engaged workmen to make up the clothing, but there was a positive prohibition against the employment of any cavalry soldier as a tailor.

576. Was that an order recently given?—I am not aware of the date of the order.

577. Is not it a recent order?—I am unable to answer that question.

578. Are you aware why that order was given?—I have been told that the order was given, because the master tailors employed a great many men in their trade.

579. Did that take them from their duties?—It took them from their duties.

580. Was not the same amount of complaint as in the infantry?—No, they complained because they were not allowed a certain number of men in their own establishment who would only be employed as tailors and not as anything else.

581. Are you aware whether in fact the persons who acted as tailors were obliged to go to drill twice a week, and to perform certain other duties?—Yes.

582. Would you do away with the necessity of employing them in that way, and make them merely tailors?—Yes, because it must be borne in mind that in this country no one is enlisted as an artizan in any regiment. They are all enlisted as soldiers, and the soldier, of course, is obliged to do his duty as a soldier as well as an artizan; but if they enlisted persons merely as artizans they would of course confine them to those duties.

583. Do you contemplate that he should be a half artizan and half soldier, employed as a soldier if necessary, or that he should be employed in his trade?—No. The Guards are the only regiments in which we are going to try that system.

584. What is the system which you intend to employ up to next year?—We have entered into contracts up to that time for cloth, and we are about to issue contracts for making the cloth into garments, the clothiers providing the trimmings.

585. Where would they make them?—They would make them up where they were contracted for. The contractor is bound to fetch the cloth from Weedon and take it back again.

586. You purchase the cloth and contract with the clothier?—Yes; because we are doing it through the principal, and we are only going to deal with the manufacturer.

587. Has it been considered by the Government whether it is more advantageous to buy the articles from one man or to buy them in pieces from several?—I certainly think that the most advisable mode, if you want an article, is to go to the person who makes the article.

588. Have you heard that the gunlocks are purchased in that way?—I am not aware of that.

589. You have nothing to do with the arms?—Nothing whatever.

590. As to the saddlery of the army; who adopts the patterns of saddlery?—The patterns of the saddlery are adopted in the same manner as the patterns of the clothing.

591. Is there any universal pattern of saddlery for the army at this moment?—The patterns have been lately so much changed for saddlery, that I do not think there is any.

592. Has there any pattern been decided upon for either the light or the heavy cavalry?—There is one under consideration, but I do not think it is decided upon.

593. How will the saddletrees be made?—The saddletrees are all to be made at the Arsenal at Woolwich. The complaints in the cavalry regiments have been so numerous in the old system, that Government have determined, since the army saddlers could not keep a proper stock of seasoned wood, to have the saddletrees made at the Arsenal at Woolwich.

594. Do the Government anticipate that the saddletrees will be better made there than they have been hitherto?—Certainly; because the Government have always wanted to have duly seasoned wood, which private tradesmen could not keep.

G. D. Ramsay, Esq.

3 July 1856.

595. In case of the change of a pattern, what is to be done with the old saddles?—The Government will take care that they do not keep too large a stock.

596. Mr. *Liddell.*] Is saddlery in your department at all?—Yes.

597. Colonel *Dunne.*] Are you aware of the saddles sent to the German Legion?—I am.

598. Were they reported in favour of by the officers?—I am sorry to say that they were badly reported of.

599. Did they pass the viewers?—They passed the old viewers at the Tower.

600. But they did not pass the officers?—The officers condemned them.

601. Were not the bits found to be made of iron that broke?—Yes; but one thing must be said in justice to the contractors. When they furnished these bits, the Commander-in-Chief desired that the bits should be made of galvanised iron; it was represented that such bits of galvanised iron would be brittle, and in consequence that they would be likely to break.

602. Has it been ascertained as a fact, that galvanised iron is more brittle than other iron?—The cavalry regiments have reported against galvanised iron.

603. Was not it the fact that these bits were cast, instead of being forged?—A great many of the most eminent London saddlers told me what the result would be if these bits were galvanised.

604. The result is, that the Government are quite certain that galvanised iron is more brittle than any other?—The Commander-in-Chief is satisfied upon this point.

605. *Chairman.*] Was not it the fact that the galvanised iron was wrought, and not cast?—I do not like to say; but I can state the fact, that the Commander-in-Chief has discontinued galvanised iron.

606. What are they using now, iron or steel?—I cannot answer that question; as the saddlery now in use was made before there was an inspector of saddlery at Weedon.

607. Colonel *Dunne.*] Is there not an inspector of saddlery at Weedon now?—Yes.

608. Does all the saddlery go to Weedon?—It will all be sent to Weedon.

609. And then will be entrusted to those very efficient persons whose names are given in this return for the saddlery?—Yes; certainly they are too few.

610. Will the saddles be submitted to a regimental Board afterwards, when sent to the different regiments?—Yes; but I must mention that the question of saddlery now is under consideration; there has been an offer on the part of the Woolwich authorities to make the whole of the saddlery of the British army, together with the harness for the artillery, because they discovered that the harness supplied by contract was so bad that they thought it better to get the materials, and make it themselves.

611. May we contemplate the abolition of the establishment of inspectors for the saddlery department at Weedon?—Certainly; if it is intended to make the saddlery and appointments at the Arsenal at Woolwich, they will no longer be required.

612. *Chairman.*] No decision has been come to at all upon that?—No.

613. Colonel *Boldero.*] Will you tell me what advantages you propose to secure by having two contracts for the soldier clothing; one from the manufacturer of the cloth, and the other from the army clothier?—One advantage is this, that it is always easier to inspect cloth when it is newly made; and another advantage is, that if you go to one man for the cloth and the garment, of course the tailor has a double profit, which the Government would save if they employed the manufacturer themselves.

614. Do not you think both will get a profit?—There is the manufacturer's profit, and the clothier's profit.

615. Would not the profit be less if one man took the contract?—No; because he will pay himself out of both, most likely.

616. Sir *Charles Napier.*] Do I understand that the cloth first makes a voyage to Weedon, and another to London, and then, after it is made up, it has a third voyage to Weedon, and then a fourth to London?—Yes.

617. Would not there be great expense attending that?—Yes; but the storehouses at Weedon were taken because they were fine large storehouses, and were

were empty, and the Government would have been put to a great expense in erecting new storehouses in London.

618. Why have not you got an establishment of tailors at Weedon for making all the clothes?—I should be glad to see that done.

619. Colonel *Dunne.*] That is not at present contemplated?—I think not.

620. Do not you think there is a great risk in sending this clothing over the country?—When it is well packed, there is not such a risk.

621. Sir *Charles Napier.*] There is an expense?—Yes, certainly.

622. Colonel *Dunne.*] Who were the contractors from whom the saddlery for the German Legion were got?—Bedford & Rand.

623. Are they accoutrement makers?—No, only saddlers.

624. Do you know whether any precaution is taken to secure that people really understand the trade which they undertake, or do you take the lowest contract?—That is a question which the Director-general of Contracts could answer better than I.

625. Is there any decision been arrived at about the cavalry equipment?—I believe there is a decision by the Commander-in-Chief.

626. Have you received any decision about it?—No; there has been no decision communicated as yet.

627. As to the heavy cavalry saddles, are you aware that they are different from the light dragoons?—Yes.

628. Are you aware that upon the mode of making the saddle-tree the safety of the horses entirely depends?—I believe so.

629. Supposing they are made up, and inspected at Weedon, or at Woolwich, what safety has the officer that they will be properly made?—I may observe, that the person who superintends the making of saddle-trees has been all his life employed in superintending the manufacture of them, and that the saddle-trees have been all made under his superintendence at Maidstone.

630. Have not there been great objections made to the saddle-trees?—Great objections have been made to the pattern of the saddle-trees.

631. Is not it the fact that almost every regiment make alterations themselves in the saddle-trees?—Yes; but I believe that in future that is to be strictly prohibited; they are to be made on one uniform pattern for the army.

632. Do not they find it necessary to fit every horse with a saddle-tree?—Yes; but I thought that the question referred to the plan of the saddle-trees.

633. Having the ordinary form, is not it necessary for every regiment to do that?—There will be still an independent saddle-tree maker attached to every regiment.

634. He will be allowed to alter the saddle-trees?—Yes.

635. Have not the saddle-trees generally been made by the serjeant of the regiment?—I do not think so; they have been altered by the serjeant of the regiment.

636. Have not they in many instances been made by him?—I am not aware that they have; in the bills which are coming in from the various regiments, I have seen items put down for alterations in the saddle-trees, but seldom for making them.

637. Mr. *Corry.*] In what manner is the army supplied with boots?—The colonel supplied the boots formerly as part of the clothing, but the boots now are to be provided by the War Department; great care is to be taken in future for the supply of boots, and tenders have been issued the last few days for the supply of 50,000 pairs of boots. We are only going to those persons who will undertake to make them upon their own premises, because we have found that at Northampton, where the bootmakers make the boots out of doors, it is impossible for the contractor, even if he is an honest man, to exercise a proper superintendence over the workmanship; and, besides that, we have issued an order for 50,000 pairs of an improved pattern, which will be issued to the army in the course of this year.

638. How do you ensure that the boots will fit; are not they made according to certain sizes?—Yes.

639. How are they found to fit the men?—For every 100 boots there are so many sizes; there are numbers 5, 6, and so on; so many of each.

640. Colonel *Smyth.*] Is there a pattern or sample of those boots sent to each contractor?—Yes.

641. And to the regiment?—No, with the War Department supply; with the colonel's supply there used to be sealed patterns sent to every regiment.

G. D. Ramsay, Esq.

3 July 1856.

642. Colonel *Dunne.*] Did each regiment get a sealed pattern?—With the colonel's supply that used to be done, but not with the War Department supply.

643. Therefore, whether the boots are good or bad, the regiment can make no complaint, and can have no inspection?—The regiment can make any complaint they please, and we should attend to their complaints.

644. Was not there any requisition from the Government to have any report upon those boots?—No.

645. Mr. *Corry.*] Have they no remedy in case of the boots fitting badly?—They have the same remedy as with the clothing.

646. That is, that if there is a report that they are bad, the contractor is struck off the list?—Yes; if a bad case was made out, the man to whom the goods were supplied would get a compensation, and the inspector, in all probability, would be discharged.

647. *Chairman.*] Is not it the fact that, with regard to the boots and also with regard to the clothing of the private, the whole system is a system of inspection; if the inspection is good, it will succeed; if the inspection is bad, it will not; and your opinion is, that the system of inspection that has been adopted, and the class of inspectors that have been appointed, are such as will render the inspection good and satisfactory?—Certainly.

648. Colonel *Dunne.*] Have not there been almost universal complaints of the Ordnance boots?—Yes; and also of the boots supplied by the colonel.

649. Has not there been much more complaint of those supplied by the Ordnance than of those supplied by the colonel?—I do not know.

650. Were not almost all the boots which were sent out to the Crimea complained of?—Some of them certainly were complained of.

651. *Chairman.*] Were those boots supplied before the new system of inspection was adopted?—They were supplied before that system of inspection was adopted.

652. Mr. *Brand.*] Have no boots been sent out since the inspection at Weedon was adopted?—No.

653. Were not the Militia boots issued from Weedon?—Yes.

654. Colonel *Dunne.*] Were not there complaints of the Militia boots?—Yes; but when the Weedon establishment was formed, upwards of 170,000 pairs of boots were sent from the Tower to Weedon which had been inspected under the old system, and those were issued; but no boots have been issued that have been inspected at Weedon.

655. Therefore you have had no means of judging what that system is?—No.

656. Mr. *Liddell.*] Have the new inspectors inspected any boots?—Yes, and they have rejected many more than were rejected formerly.

657. What is the per-centage of their rejections?—I will give you an instance. A bootmaker had to supply 24,000 pairs of boots, he sent in 12,000 to Weedon, and 7,000 out of the 12,000 were rejected.

658. *Chairman.*] He imagined that the system at Weedon was going to be similar to the old system, and he found out that the system at Weedon was much more severe?—Yes.

659. Mr. *Liddell.*] Is it not your opinion that similar cases of rejection occurred under the old system?—I do not think to such an extent.

660. Colonel *Dunne.*] Were those boots formerly sent to the Tower, and inspected there?—It has been spoken of.

661. In the case of a contractor supplying boots, did not they go to the Tower?—Yes.

662. And they were inspected also by the regimental Board?—Yes; just as the clothing.

663. Have you any reason to know that the inspection at the Tower was not pretty much the same as that which you propose?—I have good reason to know that the inspection that took place at the Tower under the old system was very lax.

664. On what account was it lax?—They were in the habit of passing the things easily at the Tower.

665. Is not there reason to believe that they may get into the same habit again?—No, I think not; because there has been a rule established at Weedon, that every viewer who passes a pair of boots, stamps his initials upon the boots, and

and therefore if we have any complaint against the boots, we should know certainly the man who passed the boots.

666. You are merely supplying a new system of inspection, instead of the old?—Yes.

667. *Chairman.*] Is not there this fundamental difference between the system which now exists at the Tower, and the system which now exists at Weedon, and the old system which existed at the Tower, namely, that under the old system the inspection was carried on by military superintendents and by clerks, those clerks not being chosen on account of the knowledge of the material they had to examine, and that now under the new system no inspectors are employed except men who are skilled in the particular business they are to transact?—None are chosen but those who are skilled.

668. Colonel *Dunne.*] In the former case was not the inspection carried on by the Boards of the regiments, who were the persons most interested in seeing that it was rightly done, and is not that check done away with by the new system?—That check will still exist in reference to the character of the contractors and the character of the inspectors; it is a check over the contractors and the inspectors.

669. But not as to the quality of the article?—No; but it is supposed that the inspection will be so good, that bad material will not be sent out. If the regiments made out a clear case of bad material, we should necessarily discharge the inspector.

670. Might it not be very inconvenient if, in the meantime, the soldiers had to go without shoes?—They always had that inconvenience under the former system. Under the old system, if the clothing arrived at the regiment, and it was condemned by the Board, and returned to the contractor, the soldier in the meantime was without clothing.

671. In the case of boots, would not the commanding officer order boots to make up the deficiency. Was there practically any delay of that kind caused by the contractor sending bad boots?—The delay would be occasioned in both cases alike.

672. Could you point out a case in which that did occur, in which the want of boots was not instantly supplied by the commanding officer, and the contractor was obliged to make up any expense he incurred?—If the commanding officer were stationed in a large town, where he could get a supply of boots, it was done; but if he were stationed at out-quarters in the country, then the soldier would be subject to some inconvenience.

673. In any out-quarter was not it always possible to get a supply of boots?—I do not know whether in any small town in England you would get 1,000 pairs of boots in a day.

674. *Chairman.*] In the case of a regiment stationed in the colonies (for instance, at Corfu) under the old system, would not the difficulty that you have spoken of exist?—Certainly.

675. Colonel *Dunne.*] Would not the difficulty be much aggravated by the new system?—No; because under the new system it is supposed that the clothing will be so thoroughly inspected, that these cases will be very rare.

676. *Chairman.*] Is it not under the new system the interest of the inspector not to pass anything about which he has even a doubt?—Certainly.

677. Does not he know that if he does so, he must be found out, his initials being put upon the boots, and is not he perfectly certain that if he is found out, he will be dismissed?—Yes.

678. Therefore, has not he the greatest inducement that can be given to any man to be very careful?—Yes.

679. Colonel *Boldero.*] What rank of life are these inspectors taken from?—We have only two shoe inspectors now, and they have been both shoemakers.

680. What pay do they get?—They get a small salary at present; but it is intended to be increased.

681. Would not it be sound policy to give the men a higher pay; do not you think that a man receiving a guinea a week is open to temptation?—Certainly; but the two boot inspectors get 100 *l.* a year.

682. Colonel *Dunne.*] Do you think that two boot inspectors are sufficient to inspect the boots for the whole army?—Certainly not.

683. Would not it be cheaper to leave it to the Board of the regiment?—These boot inspectors are assisted by a corps of viewers; and further than that,

G. D. Ramsay, Esq.

3 July 1856.

the Weedon establishment is only in its infancy, and when it gets further on, there will be five inspectors.

684. Will not that increase the expense to the country?—It will increase the expense to the country, to this extent, that it will never exceed two per cent.; supposing the money spent on the clothing supply is 800,000 *l.* or 900,000 *l.*, the expenses of this establishment will hardly be two per cent. upon the money granted.

685. Mr. *Brand.*] What stock of boots do you keep ready for the men?—There are about 180,000 pairs in stock now.

686. Mr. *Liddell.*] You have told us that the viewer's name is always impressed upon the article; is the manufacturer's name impressed likewise?—No; because whenever a pair of boots comes in from the manufacturer, it has his number upon it, which corresponds with the book list.

687. Has not a change recently been made in the patterns of the trousers furnished to certain cavalry regiments?—Yes.

688. Is not that pattern upon the Prussian model?—No; it is rather upon the French model.

689. Is it not in contemplation to furnish many regiments with trousers of that pattern?—The whole of the cavalry regiments are to be furnished with that pattern.

690. At present it is confined to the regiments on service?—It is confined to the regiments in the Crimea; but from the 1st of April 1857, all the regiments of cavalry will be supplied with it.

691. Have you had any complaints of the heat, and weight, and discomfort that the soldiers experience in wearing those trousers?—No; but those complaints would not come to my department, they would come to the Adjutant-general's Department; therefore I should not be able to answer that question.

692. Is it in contemplation to furnish the whole of the cavalry with that pattern?—Yes.

693. Colonel *Dunne.*] Could you give any account of what the price of clothing the soldier was; what was the price of the clothing of a soldier in the Guards and likewise of a soldier in the line?—You will find it in the return.

694. In this return, among the articles set down for the staff serjeants, there is "embroidered belt for drum-major;" why is that item inserted?—I must answer that question in this way, that we were in some difficulty about the return; the wording was not very well expressed, and there was some difficulty as to answering the return; and therefore we thought that the best way would be to take every item out of the clothier's bill.

695. It is "A Return of the Prices allowed by the Ordnance Department for the clothing of the soldiers of Her Majesty's service, distinguishing those allowed for the different services, of Artillery, &c.; distinguishing also the prices allowed for the different grades of rank in each service." As to staff-serjeants, you have put in "Embroidered belt for drum-major;" is that part of the usual accoutrements of a serjeant?—No; but you asked for every item, and therefore it is inserted.

696. Was not the return to be made, "Distinguishing what each soldier was to have"?—Yes.

697. For the Guards there is "tunic, white waistcoat, grey trousers." Do the Guards get more clothes from the nation than the rest of the army does?—The Guards have been on a very different footing to the rest of the army. The colonels have, generally speaking, spent a large sum of money upon their clothing; they have generally spent almost the whole of their off-reckonings in providing things which were not required by the warrant; and, therefore, we thought the best plan to be to put down in the return everything which the colonel supplied.

698. Do the colonels supply the bear-skin cap?—Certainly.

699. Will you put in an accurate return of the expense of the clothing of the British army, giving the particulars of every soldier?—Yes, I will.

700. Colonel *Boldero.*] You told us just now that you had made a large contract for the supply of cloth?—Yes.

701. Who is responsible for the contracts in the Ordnance Department?—The Director-general of Contracts, Mr. Howell, was responsible for that contract.

702. Each contractor makes a tender?—Yes.

703. Who opens the tenders?—The Director-general of Contracts.

704. The tenders are opened by Mr. Howell?—Yes.

705. Who approves of them?—Whenever a tender is accepted, it is obliged to be approved by the Clerk of the Ordnance.

706. Sir *Charles Napier.*] Is there anybody to receive contracts of that kind, either Mr. Howell or anybody else?—I think, as that is not in my department, I may mislead the Committee if I answer that question.

707. Colonel *Boldero.*] The contracts are received by Mr. Howell, and opened by Mr. Howell?—Yes, I believe so.

708. *Chairman.*] Do you know of your own knowledge that the contracts are opened by Mr. Howell?—No, I do not.

709. Colonel *Boldero.*] By whom are the contracts approved?—That is a question which I do not like to answer, because it is not in my province.

710. Who decides that the contracts shall be accepted?—The Director-general of Contracts could answer that question better than I.

711. Are not you deputy to Mr. Howell?—No.

712. I am afraid we shall not have Mr. Howell here; is not he ill?—Yes.

713. Sir *Charles Napier.*] Who does his duty?—Mr Marshall.

714. Colonel *Boldero.*] Is Mr. Howell in any degree influenced in his decisions by the Director-general of Army Clothing?—I can answer that question thus far, that the Director-general of Contracts, before accepting a contract, sends the names of the persons whom he proposes to accept to the Director-general of Clothing, together with the price in the contract.

715. Is the Director-general of Army Clothing in reality the responsible person for accepting the tender?—He can only give advice. If the Committee will read the Order in Council, they will see that the Director-general of Clothing recommends to the Director-general of Contracts what he is to assent to, because he is the only person who can possess a knowledge as to whether those parties have performed their contracts well before.

716. Do not you think that it would be advisable to have more than one individual to open the contracts?—

717. Mr. *Moffatt.*] Have you no knowledge of the manner in which the contracts are received and opened and decided upon?—I possess some knowledge, but as I have not been officially connected with the working of the department, I do not like to state it, in case I should mislead the Committee.

718. That is not in your immediate department?—No.

719. Colonel *Smyth.*] Do you think it possible to inspect at Weedon the clothes and the shoes for the whole army?—Yes.

720. Has not the cloth that has been inspected here for the regiments serving in India been found to be bad after inspection?—A great portion of it has been rejected.

721. Was not it made up for the regiment when discovered to be bad?—No, by contractors.

722. After being made up, has not it been found to be bad?—No; it has not been found to be equal to the pattern which was given to the contractors.

723. The answer you give is, that it was equal to the sealed pattern?—Yes.

724. Was the sealed pattern bad?—Yes.

725. In this case the inspection did not secure a good article to the soldier?—No, because the sealed pattern was bad.

726. Who passed that sealed pattern?—When the Indian regiments were to be provided, the only pattern that was sent over from the Board of General Officers was the pattern of a coatee; there was no pattern of cloth at all. One of the great army clothier houses, who had been in the habit of supplying the India clothing, was requested to send two or three yards of the cloth that he had supplied, and that pattern was sealed, and given to the contractor for the supply.

727. And the cloth was so bad, that a part of it has not been issued?—A portion of the cloth that was supplied for the India regiments was rejected, but all that was approved of was issued.

728. And that which was issued was made up into shell-jackets and trousers?—Yes; it will be going in the course of this month to India.

729. Mr. *Brand.*] Did you receive that sealed pattern from the Board of General Officers?—Yes, the sealed pattern for the coatee; but the Board of General Officers sent no sealed pattern for the cloth.

G. D. Ramsay, Esq.

3 July 1856.

730. Mr. *Liddell.*] Did you state that the pattern was found to be bad afterwards by the Board of General Officers?—No, certainly not; the Commander-in-Chief established the pattern.

731. Colonel *Smyth.*] Under the old system, supposing the clothing sent down to the regiment was found to be bad, had not the commanding officer the power to ask for a Board of Officers upon it?—Yes.

732. They rejected it if it was bad, and the clothier took it back?—Yes, if those were the terms of the contract; and the only appeal which the clothier had was to the Board of General Officers, which consisted only of general officers in the army, without any assistance from practical persons at all.

733. That was the remedy under the old system by which the soldiers were protected?—That was the remedy under the old system to the soldiers.

734. Under the present system the same remedy does not exist; the clothing must be worn, good or bad?—It must be borne in mind that the system upon which the army is at present supplied was established in the reign of Queen Anne, when people were not quite so honest as they are now; and, therefore, they were obliged to have a system of check and counter-check, but it is to be questioned whether the necessity now exists for it.

735. Mr. *Corry.*] I have been informed that the clothing supplied to the Italian Legion at Malta is very superior indeed to that supplied to regiments of the Line; to what circumstances do you attribute that?—There were two regiments when the Italian Legion was first formed, which were allowed to clothed in scarlet instead of in red.

736. Colonel *Dunne*] Why was that?—I cannot answer that question.

737. Mr. *Corry.*] Was the cloth supplied from England?—Yes; and they were beautifully clothed.

738. Was that in your department?—No; it was done by clothiers in St. James's-street, named Isaacs and Campbell.

739. *Chairman.*] Do you know the difference of cost between the clothing of that regiment and of the line?—No, I cannot tell you; but I think the Italian Legion is mentioned in the return I have furnished.

740. Mr. *Corry.*] Were the clothes made up in England or by the regimental tailor?—They were made up in England.

741. *Chairman.*] When you used the word "bad" with regard to the clothing sent to India, did you mean inferior to the sealed pattern?—No.

742. The inspectors would have no right to reject any clothing that was equal to the sealed pattern?—Certainly not.

743. Therefore be the clothing good or bad that is now supplied to the Indian army, they would have no right to reject any of it, because the whole of it is equal to the sealed pattern, and a great deal of it superior?—Yes.

744. Mr. *Liddell.*] In the first instance, when the sealed pattern is furnished from the Secretary of State's Office to the Board of General Officers, have not they the power of remonstrating and complaining of the sealed pattern?—No; the Board of General Officers under the Commander-in-Chief does not exist; but the Commander-in-Chief decided upon the pattern; it was then deposited with the Board of General Officers; and if the Commander-in-Chief did not ask for their opinion, it was not in their province to give him an opinion; all they could do was to seal the supplies that were sent to each regiment, and to see that the sealed pattern which accompanied each supply was equal to the pattern deposited with the Commander-in-Chief.

745. Colonel *Boldero.*] If it was ever so bad, they had no right to complain?—No.

746. Colonel *Dunne.*] Was not the Italian Legion supplied cheaper than the rest of the forces?—Yes; I believe that the contractor offered to supply scarlet cloth generally to the Legion at the same price as the red clothes were supplied.

747. As to what are called the necessaries of the soldier, is there any proposition for altering the means of supplying the necessaries to the soldiers?—Recruits now receive a free issue of necessaries, at the expense of the Government.

748. Are they to be supplied in future by the regiment, or will the Government supply them?—It is still undecided; but for the next year the clothiers are to supply the necessaries.

749. And they will send the knapsacks, and so on, to the soldiers?—Yes.

750. Are the Government to supply the shakoes to the men?—Yes.

751. By contract?—By contract.

752. Will they go on with the contracts now made?—There is no contract. *G. D. Ramsay, Esq.*

753. As the contracts have been hitherto made they will continue to make them?—Yes.

754. Have not you got them much cheaper than they used to be got?—Yes. 3 July 1856.

755. Could you give the prices that each of these articles cost, and what you expect to get them at?—I have stated them in my evidence already; 5 *s.* 6 *d.* is the price.

756. There is no determination about that?—No, none at all.

757. Are they supplied to all the regiments abroad?—They are supplied to all the regiments abroad with the exception of the army in the East.

758. Are there any contracts made out of England for the necessaries for the army in the East?—That was all before my time of office.

Captain *Edward Mounier Boxer*, called in; and Examined.

759. *Chairman.*] WHAT is your official position?—Superintendent of the Royal Laboratories. Capt. *E. M. Boxer.*

760. What is the arrangement at present in existence with reference to procuring the material required for the manufacturing department at Woolwich?—All the rules with reference to the mode of proceeding are contained in the memorandum which I hold in my hand.

761. Will you state what they are?—The Secretary of State for War decides upon the method which shall be adopted with regard to the purchase of materials of all description required in the manufacturing department. When we send in our quarterly demand for material, we are then directed in all cases which we may consider of importance or of magnitude, to give our opinion as to the best means of obtaining those articles.

762. What do you mean by the best means of obtaining the articles?—We should, perhaps, recommend in one case that the material should be obtained by employing brokers; in another case we should recommend that a single party should be applied to to send in the material, when we considered that the material could only be procured from one party satisfactorily. In other cases we should recommend competition between parties in whom we had every confidence. Then another rule is, that our recommendations shall be officially recorded, together with the decision of the Secretary of State for the War Department, upon those recommendations.

763. Therefore, in case of a failure of any of the manufactures on account of the inferiority of the raw material, you would be able to discharge yourself from any responsibility, by showing that you had recommended a course which had been overruled by the Secretary of State?—We should be able to do so.

764. Do you consider that in procuring material for the manufacturing department, it will therefore be necessary to deviate from the rule of public competition?—I do not understand what you refer to as public competition.

765. By public competition I mean either advertising or having a list, on which the names of any contractors who can produce respectable references are inserted, and sending tenders in every case to the whole of the persons whose names are so inserted?—Those two plans cannot be classed together.

766. Will you state your view with reference to the one and the other?—There are two ways of proceeding that may be termed by public competition; one would be by advertising that such and such articles would be required for the department, calling upon any party who chose to send in tenders for the article; the other plan (which may also be termed public competition) would be by having a list of contractors, which list would be framed by persons practically acquainted with the materials, and with the best means of obtaining them. The first plan which I mentioned, that is to say, by advertising, and allowing any person to tender, I consider to be most defective, and not at all applicable to the public service; the reasons why I consider it to be so are, first of all, that any system that may be adopted should be such as shall not fail in time of war; that is a very important point to be considered; it will not do to have a certain system for a time of war and another for a time of peace, for it requires some time for a system to be in operation before it works well. Now with reference to war material, the first point to be considered is, the quality of the material. The price is comparatively of little importance compared with the quality. Another point is the promptness in

Capt. *E. M. Boxer.*

3 July 1856.

obtaining the proper quantity of the article when it is required. Those are two very important points. With reference to the question of quality without reference to that of promptness, I think this a defective plan. For instance, when you have open tenders in the way I have mentioned, allowing any party to tender, I do not think it would be fair, unless you had something against the person who is tendering, to reject his tender if it be the lowest. You must take the lowest tender unless you have something against the man. There may be a great deal against a man which we have no means of finding out. Therefore you might get a party to supply the article who was utterly incapable of performing his contract. Now, if we take the matter of quality, I think it is quite possible, whatever the system of examination may be, with the exception of a few instances, for a great proportion of the material to be passed of an inferior quality. I am not aware of any system in which you can insure the good quality of an article by the mere examination which it goes through when it is received.

767. To what articles are you alluding in your remarks?—To almost every article. I would include chemicals as well as materials which we have to test by their physical properties.

768. In point of fact, does your experience during the late war confirm the conclusions which you have just now stated to the Committee?—I say it is quite impossible to do it. Mr. Abel, the chemist of the War Department, will be able to speak more as to chemicals, but with regard to other materials which we have to test by their physical properties, I cannot at the present moment state any particular case where such a difficulty has arisen; but I have not the slightest doubt that I might do so. The material might pass through an examination, and afterwards be found to be of an inferior quality, because we have a large quantity of material coming in, and we can only, unless we have a very large staff, examine a small portion of it; and, therefore, you may possibly examine the portion of it which is good, and the remaining portion may be of a very inferior quality.

769. Mr. *Muntz.*] Are you speaking of the raw material?—I am speaking of the raw material.

770. *Chairman.*] Did you not in point of fact, during the late war, procure a considerable quantity of shells by almost open competition; by sending tenders to every person in the country whom you considered was capable of making shells?—Yes.

771. What number of those shells which you received were found to be satisfactory?—There is no means of testing a shell except by firing it, and you could not ensure by any system of examination which is gone through at Woolwich, or by any system of examination that I could advise, that it should be of a good quality.

772. Mr. *Muntz.*] Cannot you test it by the water proof?—That will not prove the peculiar quality of iron to resist the shock at the discharge of a gun.

773. Cannot you prove the strength of it by the water test?—That plan would show if there was a hole in it.

774. If there is no hole in the shell, would not it prove what quantity of pressure it was capable of bearing?—Yes; but you could not test every shell.

775. For general purposes, is not every pipe proved before it is bought?—Yes; but the number of pipes which are purchased is very small compared with the number of shells which we required.

776. In the large gas-works the quantity of pipes that are bought is very great, and they are all proved?—It would be quite impossible. The examination which they go through at present takes a long time, and it would be impossible to carry out any system of examination such as you propose.

777. Sir *Charles Napier.*] Not even with an additional number of people to examine them?—Not with 10,000.

778. Captain *Laffan.*] Would not the expense of trying every shell in that way more than compensate for any advantage you might get by open competition?—Yes; you would expend in proving the shell nearly as much as it was worth.

779. Mr. *Jackson.*] Have you ever ascertained the cost of proving a shell by water proof?—No; but I do not think the proof would be of any use. I do not think that the test you apply by water-proof would be such as to insure the shell against failure when fired. It is an entirely different force that comes into play

play by water-proof from that which comes into play when the shell is fired from a gun. Capt. *E. M. Boxer.* 3 July 1856.

780. Mr. *Muntz.*] Is not the water-proof resorted to for cannon?—No, except for finding out whether there are any holes; the amount of pressure which is put on for this purpose is two atmospheres. If there are any flaws in the interior of the bore, the water penetrates, and, as the interior dries, a film remains over that portion of the bore.

781. Do not you think it possible to prove the strength of a gun by water pressure to a greater extent than you need for powder?—Certainly not; the forces are so totally different that you cannot compare them.

782. Have you ever seen any proof by water?—Never, in guns or shells, beyond two atmospheres.

783. Supposing that you were to prove a gun to such an extent by water pressure, that it should be 50 per cent. more than any other strain you could put upon it by powder, would not that prove it to be competent to sustain the pressure of the powder?—You must prove that you can put such a force upon it as comes into play when it is fired. It will be of no use putting a force upon it which is not comparable with the force of gunpowder.

784. Supposing you put more proof upon a gun or any other article than the force you put upon it by powder, what is the reason that it would not insure to you the result when you came to try it by powder?—If you can really put the same description of force which is brought into play when gunpowder is exploded; of course it would be a satisfactory proof.

705. Does it make any difference what specific power is used, provided the result of the power is equal?—If the results are equal, it does not matter what the force is, but you must be sure that the results are equal.

786. If you can prove an article by any means, you would ascertain the real strength of it; why should you not be able to insure that; when the same amount of power is exercised upon another principle, the result will be the same?—That would depend upon what you understand by strength.

787. Supposing you take a gun, and prove it by hydraulic pressure, to a certain extent; what is the reason why you are not able to insure it, when you fire it with gunpowder, if the pressure be equal in the two cases?—Because the forces are so utterly dissimilar.

788. *Chairman.*] In what way are the two forces dissimilar?—This can be explained by the following illustration: if a tube of steel be taken, and made as hard as possible, and then subjected to water pressure, and a similar tube of steel, not hardened, be tested in the same manner, the amount of force necessary to rend the tubes will be found nearly the same. But if the force arising from the explosion of gunpowder be applied, the one tube will be found to resist the explosion of a very much larger quantity of the substance than the other tube, thus showing that the two forces are quite dissimilar. You could not compare the two forces, the pressure of water, and that arising from the explosion of gunpowder; and unless you could find out some hydraulic proof which would be similar in its effect, under a great variety of circumstances, to the force of gunpowder, which has not been done, I do not see what is the use of employing water-proof at all.

789. Will you explain in what particulars the two forces are dissimilar?—The force from gunpowder partakes, in a great measure, of the nature of a blow, of the nature of percussion. From gunpowder you have a percussion force as well as a pressure; whereas in hydraulic pressure you have merely ordinary statical pressure. But then it is such a difficult subject to find the exact nature of the force exerted by gunpowder, that you cannot apply any such comparison.

790. Captain *Laffan.*] Is not the pressure exercised by gunpowder estimated by scientific men at 2,000 atmospheres, which is equal to 30,000 lbs. upon the square inch; and is it possible, by the hydraulic press, to apply the same pressure?—It might be done by the hydraulic press.

791. Mr. *Muntz.*] If you can do it by the hydraulic press, why cannot you make the test by that means?—With regard to the question of the 2,000 atmospheres, that is estimated from the effect which the gunpowder has upon the ball, in giving it a certain velocity through a certain length of bore; that is entirely dependent upon the statical pressure that arises, and it has nothing whatever to do with the percussive force which is exerted, and which has a small

Capt. *E. M. Boxer.*

3 July 1856.

small effect in moving the ball, but the principal effect of which is in rending the gun to pieces.

792. Captain *Laffan.*] My question referred to applying anything like that pressure?—There is no physical impossibility; you might by a mechanical contrivance get that pressure.

793. *Chairman.*] Your first objection, as I understand, to the system of open competition is with regard to the quality?—Yes.

794. You do not conceive that any system of competition can be discovered that will be sufficient to test the great number of materials that you have to do with at Woolwich?—No, I do not.

795. You proceeded to state that you had another objection with regard to promptness, was not that so?—Yes.

796. Will you state that objection?—Of course it is a most important thing in the manufactory that we should be able to procure the raw material at the time when it is required, and that the raw material should be of the proper quality. I think by open competition you could not insure that, because if we accept the lowest tender, unless there is something against the party who sends in that tender, we cannot ensure getting the material of a good quality. And, even supposing that we ensure getting a large quantity sent at the time that we require it, we should often find that a quantity of material would be sent which, upon examination, would be rejected, from being of an inferior quality; it would be no satisfaction to the head of the manufacturing department who wanted to use it at the moment, though it would be satisfactory as far as the money question was considered, that it was not paid for; but with regard to the production of the article, perhaps from the want of this particular material at the moment a large proportion of the men in the establishment would be standing idle, and we should not be able to supply what we had undertaken to supply.

797. Mr. *Muntz.*] According to that, would you begin *de novo* with everything that you use; would you purchase the ironstone from the mine?—No, not at all; I am speaking now with reference to the system of open competition; I will explain to you the system I would adopt.

798. You said as regards anything you had to buy, you might be liable to have an inferior quality, and when you went to use it, you might find it bad?—That was merely with regard to the system of advertising and accepting the lowest tender, unless I had something against the party who sends it. Then another point is, that I think that the system of open tender would prevent a great number of the most respectable firms from tendering at all; I think it would have the effect of preventing them from tendering.

799. Colonel *Dunne.*] Why do you think that?—I suppose the reason is that they find they have no chance.

800. Colonel *Boldero.*] Do not all public companies, that are very extensive, offer all their works to competition?—Many do, I believe; but what I am speaking of now is with regard to open tenders, and not with reference to competition between those in whom confidence can be placed.

801. Were not all the rails that were constructed and laid down for the different railways made by contract?—I believe so.

802. And those rails were all inspected by the railway company?—Yes; I was not objecting to purchasing by contract at all; I was merely objecting to the system of open tender, taking the lowest tender.

803. Colonel *Dunne.*] It is the two combined that you object to?—Even if it is not combined with the necessity for taking the lowest tender, there is a difficulty in finding out, unless a man is notoriously bad, whether he would be capable of performing his contract.

804. Your objection to open competition is, that there is bound up with it the necessity of taking the lowest tender?—Yes; I think you are bound to do so, unless you have satisfactory reasons for believing that he cannot fulfil his engagements.

805. Colonel *Boldero.*] Supposing you received a contract at a price lower than you knew the parties could perform it at, would you take it?—No.

806. You spoke of brokers just now; what articles would you get supplied by brokers?—I think, certainly, for certain sorts of timber I should employ a broker; I think I should employ a broker for timber and some sorts of iron, also for coals.

807. Is not the trade in timber almost universal?—Yes; but I would sooner employ a broker than I would employ any particular merchant for some sorts of timber.

808. Why?—Because he would be able to watch the market which the material is to be obtained from, and also being aware of what was required in the market, he would make the purchase more advantageously than you would by going to a particular merchant; he would of course have the power of purchasing at the particular time, which he considered to be the most advantageous.

809. If you wanted 5,000 loads of best timber, and you put an advertisement into the paper, do not you think you would find a man to contract to supply you?—I do not think it would be so advantageous as to purchase it by a broker.

810. Do not you think it would be more satisfactory to the public?—Certainly not more satisfactory to the public departments.

811. Speaking of shells, supposing you made them all in the Ordnance Department, could you more efficiently test them than you could the shells made by contractors?—Certainly not; but we should know precisely by whom they were made, and we should insure the process being proper; we should have the power of using a certain quality of iron, and certain mixture of iron, and could employ the best modes of manufacture.

812. Do the letters which we have from the Crimea refer to guns made on the system of public contract?—Yes.

813. Are not you surprised to find that so few of those guns have burst?—They were generally satisfactory; there were some that burst; there were some which burst which might not have burst if they had been of good quality; the great difficulty is to insure their being of good quality; one will stand an enormous amount of test, and another will fail at a time when it is most needed.

814. Was not the iron very creditable to the merchants who supplied it?—Yes.

815. Sir *Charles Napier.*] How do you account for all the mortars, except one, bursting at Sweaborg?—I suppose they were not made of the proper quality of iron which would insure their not bursting.

816. Do you know where they were made?—They were made in a variety of places; some were made at Lowmoor, others at the Carron Company's Works.

817. If you had examined them before they went out, could you have known they were made of bad materials?—Certainly not; I have no means of testing that except by firing a very considerable number of rounds with the service charge; with regard to the iron, we have had nothing whatever to do with contracts until recently.

818. Till lately you had never tried open competition at all?—No.

819. It is only an opinion of yours, that you think open competition is a bad practice?—Yes; but an opinion founded upon experience under a system which had many of the evils of open competition.

820. *Chairman.*] Do you know of any instance in which articles have been procured by your department by open competition which were not satisfactory?—I am not aware that any have been obtained by open competition.

821. Have any articles been supplied by means of sending tenders to all the persons on the official list?—An immense number of articles have been purchased by that list.

822. Will you, having stated your reason for disapproval of open competition, state the system that you think ought to be pursued?—There are a variety of systems that ought to be pursued, according to the article you require. One mode is by employing brokers to purchase.

823. You have stated the particular sort of articles to which you would apply that system?—Yes; there are some things that you would procure by having them made at the most respectable and largest works in the country, who would be about upon a par as to what they would send tenders for.

824. How would you frame that list?—The best plan would be to have it framed by a committee.

825. Would you allow any contractor in the country, who wished to have his name put upon the list, to have his name put upon it, if he brought satisfactory references?—Certainly, if he brought references satisfactory to those who understood the matter.

826–7. Might not a contractor bring satisfactory references, who would not be upon a par with the great houses which you have mentioned?—When I speak of satisfactory references, I mean references proving that he is on an equality with those great houses; I would only have those of an equality and men of proved respectability, and also those who had the power of supplying what was required.

Capt. *E. M. Bozer.*

3 July 1856.

828. Mr. *Jackson.*] One man might be competent from his capital to supply 1,000 tons of wheat, and another 100 ; would you reject the one who could only supply the 100 tons?—That depends upon whether I wanted 100 or 1,000 ; if in time of war I required a large amount, of course I should go to the person who could supply that large amount; but in time of peace, when I was not pressed for time, if the other man was of equal respectability, and I thought he could do the thing as well, I should take the lowest tender, whether they could supply 100 or 1,000 tons.

829. *Chairman.*] Would you frame the office list upon the consideration whether it was a time of war or of peace ; would you have one list of contractors for a time of war, and another for a time of peace?—Certainly; there would be some upon that list who were not equal, so far as being able to find a large quantity of material in a short time, to others who could do it ; but as far as their respectability was concerned, and as far as insuring a good article was concerned, they would be upon an equality; but you must judge from circumstances ; if you found that you could not procure an article at the time required unless you paid a high price, and it was necessary to procure that article, you would pay the high price ; but supposing that one party could supply the article in the quantity wanted much lower than the other, we should employ him if they were upon a par as far as respectability is concerned, and as far as supplying the article of good quality is concerned ; it must be left to a certain extent to the discertion of the parties conducting the business.

830. Then I und[e]rstand you to say, that with regard to a great number of articles which have to be used in the manufacturing department of Woolwich, you would procure them by the limited office list?—Yes ; and under this arrangement I have every reason to believe you always get articles of good quality.

831. Take the case of machinery ; what would you suggest for machinery?—In some instances, with reference to machinery and with reference to other articles also, it would be necessary to go to one party, because only one party may make the article which you require ; it may be a patent machine, or of a peculiar quality and style, which you could only get from one maker ; but in the case of ordinary machines, such as lathes and things of that kind, that one party would supply as well as another, you would have a certain list, and tenders should be sent to the parties on this list, and you would accept the lowest.

832. Sir *Charles Napier.*] Why do you purchase timber through brokers, and not by a list of contractors?—I think you are more likely to get a good and cheap article by employing brokers than by employing merchants.

833. Is there any other article used by the Ordnance purchased by brokers?—I am not sure whether they adopt that system in purchasing coals.

834. Colonel *Boldero.*] Is not gunpowder always bought in that way?—I have not gone into the subject with reference to gunpowder.

835. Gunpowder is in the hands of a few men, and the saltpetre merchants are not numerous ; therefore, to prevent combination, it is bought by brokers ; does that reason exist with regard to timber?—The same reason does not exist.

836. Sir *Charles Napier.*] Could not you get it by open competition?—By open competition you cannot insure getting a good article, I think, at the time it may be required ; I do not think that by open competition there is much inducement to a person to supply a good article.

837. Mr. *Jackson.*] You spoke of a list of men who can supply a large quantity of certain articles, the number of such men being limited, and the list being known to all, and each knowing the trade of the other, what is to prevent those parties from combining when they know the Government is in want of a large quantity?—We trust to their respectability. I know very well with regard to buildings, we have lately had a great quantity of building in the Arsenal, and we sent tenders to certain parties, and we found that there was a very great amount of competition among them ; each was most anxious to undertake the work.

838. Have you a list of those parties posted up, so that you could ascertain who would be with them?—They knew, I believe, who had been applied to for tenders, and Messrs. Cubitt & Lucas, and others were all anxious to get it, and there was very little difference between the tenders, but sufficient to enable us to decide without difficulty. I am perfecily satisfied that if the Committee

will

will examine the estimate with regard to those buildings, they will find that they are as cheaply made as other buildings by other builders.

839. There was no doubt that those parties are highly respectable; have you any doubt whatever that those individuals might not have combined to tender?—We did this by a schedule of prices, which schedule was made with reference to the market prices, and upon which the contract was made out.

840. Is not there a variation of from 10 to 30 per cent., sometimes in different articles?—Yes; but the schedule is made out by an impartial person, who understands the business, but it is made out with the view that I am now stating, and I think that the Committee will find that it is rather under than over the market prices.

841. Did you limit your application for tenders to those builders you have mentioned?—Yes.

842. Captain *Laffan.*] Do you remember whether the tender made, was below the schedule of prices?—It was above the schedule of prices; I think 4 or 5 per cent.

843. Mr. *Muntz.*] Did you have any advertisements for this work?—No; the person who built it, said to me, "I have this at a lower rate than any building I have ever done before, and I have done it with this view, that if I serve you well this time, I shall be employed again. Now, with reference to open competition, there is not the slightest advantage in a man supplying you well, because even if he supplies you well, he has little chance of getting employed again, because the lowest tender will be accepted; but in the case of a respectable party who supplies you with the cheapest material, and over a considerable period, he will in all probability be employed again.

844. Sir *Charles Napier.*] Would you have a limited competition in this case?—That is the inducement, and what Mr. Lucas said referred to this particular thing, we should not have accepted him with regard to a particular building, if Mr. Cubitt's estimate was lower, but still the motive held out was sufficient amongst other reasons to induce them to serve us well.

845. Mr. *Corry.*] If one individual upon the limited list were to supply a superior article, you would feel yourself justified if you wanted a fresh supply of this article in calling upon him to supply it, without going to the other parties upon the list?—I should do so, decidedly, in the time of war, when it is most important to have a tender of this kind sent in. I have always recommended this system in time of war.

846. Sir *Charles Napier.*] Might not that man abuse your confidence at last?—He could not continue to do so to a great extent. I should think if he continued to supply me well, I should feel it would be necessary to employ him, and I should have in my possession sufficient knowledge to know whether he charged me more than he ought.

847. With regard to timber, do you know whether any great ship-builder would commit himself to a few people for his supplies?—I do not believe that there is a single company which is properly managed (I believe that there have been two mentioned, but I am not quite sure), or any private manufacturer would employ a system of open tender. I think there are very few companies, but I do not think there are any private manufacturers who would try that system.

848. Colonel *Boldero.*] Do not you see daily in the papers advertisements from public companies?—Yes; but considering the number of public companies and private manufacturers, if a large majority of them followed that system, the whole paper would be full of their advertisements.

849. Mr. *Muntz.*] The party who built for you told you that he did it cheaply from a wish to be employed again, does not everybody do that; does not everybody praise his own work?—I wish the Committee would examine Mr. Murray, the building engineer, upon that point, because it is a matter that ought to be brought out.

850. Mr. *Jackson.*] Do I rightly understand you to say that it is your opinion that if you are well served you had better have no competition, or that your competition should be limited to a few?—You should have competition in most cases, and I think that it should be limited to a few. In some cases, where it is of great importance to get a good article, I do not think you should trust competition if you know from considerable experience any particular person who can supply it well.

Capt. *E. M. Boxer.*

3 July 1856.

851. Mr. *Muntz.*] Suppose another man makes a considerable improvement in the mode of manufacturing an article, so as to make it better and cheaper, would not your system shut out that man?—No, not at all.

852. How would you prevent that?—It is our business to inquire into those things; the list is to be revised continually; if there is a new improvement we shall apply to the parties making it, and make inquiries about it.

853. Mr. *Brand.*] Are your office lists revised practically from time to time?—The system we now employ has been but recently adopted, so that I cannot speak positively about it.

854. Mr. *Liddell.*] Did I rightly understand you to say, that in time of war, when it is of the greatest importance to obtain a good article, and an article of which you are sure to get a certain supply, you prefer employing a man whom from experience you think capable and desirous of supplying you, in preference to running the risk of changing, and possibly of obtaining an inferior article?—Yes, I think the question should be left entirely to the head of the department. The head of the department is responsible for supplying the articles, which he manufactures at the cheapest rate, and of the best quality in time of war; he is also very often called upon to make a promise that he will supply them at a particular time, and I think that, with all this responsibility upon him, he should be allowed to do as he likes with regard to those matters, because upon those matters depend in a great measure whether he is able to purchase or not in a great quantity, and I think that you would not find any individual who had this kind of responsibility upon him who would not get the article from the person of whom he had experience that he would supply it well.

855. Colonel *Smyth.*] Has that system been found to answer?—In all cases that have come to my knowledge.

856. Did you furnish the articles within the time specified?—I believe I have not failed to perform my promises.

857. Are you aware that most of the large public buildings in the country are built by open tender and competition, and that the materials have been bought in the same way?—I am not aware, but if such were the case I consider it no argument in favour of the system with regard to warlike stores.

858. Mr. *Liddell.*] We were told by a member of the Committee, not long ago, that all the mortars used at Sweaborg, with the exception of one, burst; will you inform the Committee whether those were supplied by persons in whom your department had had confidence for some time derived from experience, and that their contracts were accepted with the confidence that they would supply a good article?—Yes. All the mortars that were employed at Sweaborg were supplied by those in whom the war department had confidence.

859. There was no competition in that case?—There are very few parties that make them; the supply is small in time of peace; it is not worth while for many to undertake the manufacture.

860. What number could be found in the country who would undertake the manufacture of guns?—A good many now.

861. Colonel *Boldero.*] Were any of those mortars used at Sweaborg made before the late war?—I am not aware whether any of them were made during the late war.

862. Sir *Charles Napier.*] Do you believe that the bursting of the mortars was owing to the quick manner in which they were fired, or to the bad state in which they were?—I do not consider the bursting was owing to quick firing.

863. Do you believe that whether you fire a mortar 100 times in an hour, or five times in an hour, it is more likely to burst in one case than in the other?—There is a limit beyond which it would not be safe to go; but that limit could not be practically arrived at in my opinion.

864. Mr. *Corry.*] Speaking generally, which system would you prefer, the system of obtaining manufactured articles from contractors, or the system of manufacturing things in the arsenal?—Certainly, manufacturing them in the arsenal.

865. And with regard to expense, would the expense be greater or less if they were manufactured in the arsenal, than if they were purchased of contractors?—Very much less.

866. They would be less in price, and superior in quality?—Yes.

Martis, 8° *die Julii*, 1856.

MEMBERS PRESENT.

Mr. Monsell.	Viscount Goderich.
Mr. Corry.	Colonel Boldero.
Sir Charles Napier.	Mr. Brand.
Colonel Dunne.	Captain Laffan.
Mr. Liddell.	Mr. Moffatt.
Mr. Muntz.	Mr. Jackson.
Colonel Smyth.	Colonel Gilpin.

THE RIGHT HON. WILLIAM MONSELL, IN THE CHAIR.

Captain *Edward Mounier Boxer*, R.A., called in; and further Examined.

Captain *E. M. Boxer*, R. A.

8 July 1856.

867. Mr. *Corry*.] DID not you state in answer to a question I put to you last Thursday, as to whether you preferred the system of manufacturing articles at the arsenal or obtaining them by contract, that you consider the former as most advantageous to the Government, to manufacture all their stores at the Government arsenal?—I consider it very advantageous to the Government; but I do not think that the most satisfactory results will follow, unless there be a good system established in regard to those manufactures. There are certain rules which should be attended to in order that they may attain the best results.

868. What rules do you refer to?—First of all, that the head of the manufacturing department should be chosen with reference to his peculiar fitness for the duties which he will have to perform. The appointment should not be made on account of some services rendered to the State, which services may not test in any way his capabilities of performing the duties of that particular appointment.

869. Are appointments in the manufacturing department made now without reference to the peculiar fitness of the officers appointed?—No, they are made entirely, I believe, with reference to peculiar fitness for the post.

870. Sir *Charles Napier*.] Who makes those appointments?—They are made by Lord Panmure.

871. Mr. *Corry*.] Under that system do you think it advantageous to manufacture articles to a great extent in the arsenal?—Yes; that is one point. In the second place, the staff in the arsenal must be chosen upon the same principle. A man must not be put there from any undue influence; he must be chosen for his fitness and promoted for his fitness. There must also be a proper responsibility cast upon the head of the department. He must be allowed to carry out his own method, and many points should be left in his hands. He should not be tied by any erroneous system which may be devised by persons not understanding anything about the subject.

872. Is that the system now pursued in reference to appointments in the arsenal?—For the last year and a half past that system has been carried out entirely.

873. Will you state the advantages that have been found to arise from it?—We are enabled to supply the articles which are required for the service at the time when they are required, of the proper quality and at a cheap rate.

874. Do you find it more easy to obtain the articles at the proper time if you manufacture them yourselves than if you obtain them by contract?—Most certainly; this is a most important point. In a time of peace warlike stores may be obtained from the private trade, without any serious consequences; but in a time of war it is far otherwise; if a war breaks out suddenly, you require a great amount of warlike stores at a moment's notice, and of course in private trade a man will not go to the expense of having a large establishment for the purpose of manufacturing a special article which is only required to a very limited extent in time of peace. Therefore Government should possess such an establishment as will enable it to supply all those especial articles that may be required in a time of war on the shortest notice; a Government manufactory should be established on such a principle, that from a state of rest it may very quickly be brought into full operation. For instance, the

Captain *E. M. Boxer*, R.A.

8 July 1856.

machinery should be of a kind which will not require skilled labour; if you require skilled labour, it is often difficult to obtain a sufficient quantity of that skilled labour for the purpose of placing the manufactory in good working order. But if you have such machinery as can be worked by labourers, and by an ordinary class of men, you can at a moment's notice get any number of those labourers. There is also no difficulty in dealing with them, but when you have to deal with mechanics, you have often great difficulty to contend with.

875. Can you give any example with reference to the due supply of warlike stores as to the advantage resulting from having them manufactured in the arsenal?—There are many I can refer to, but I will give you one example: when the war broke out the number of shells which we had in store was very small; indeed, we had not sufficient to supply the first battering train that went out to the East without drawing them from the coast batteries. Shells within the last few years have assumed a very important character; at least their importance has become more generally acknowledged than was the case in former times; which is partly the reason why so small a store existed. Soon after the war commenced an enormous number of shells was required, and there were only three manufacturers in the country who could make shells, who had even turned their attention to this manufacture. And although these manufacturers used every exertion to supply the number, they could not supply them in anything like sufficient quantity to meet the requirements of the service; and if any large demand had been made for shells, the supplying of which would have insured the success of our arms at the commencement of the war, we should have been in a bad condition indeed, but if we had had as large a manufactory for shells as is now in course of erection, and which will be completed in a few months, we should have been enabled to have turned out in a few days a sufficient number of shells to have met the requirements of the service.

876. With regard to economy, do you think that a shell is more economically made in the arsenal than elsewhere?—Yes, I think it is more economical to make special all articles in the arsenal than it is to obtain them by contract.

877. What do you call "special articles"?—Such articles as are not used except for war purposes; such articles as shells and fuzes, and a variety of other articles, which are not used generally in the country.

878. To which special articles would you apply that observation?—I believe all articles would be manufactured far more economically by the Government, if they adopt a proper system, than they would be obtained by contract; but, of course, it would not be well to extend this system too far. I would confine myself to special articles. With regard to other articles there are less reasons, but there are reasons why we should be able to manufacture them more economically than they can be obtained by contract.

879. What description of articles are manufactured now in the arsenal?—A great variety of articles. Iron guns are to be manufactured; the foundry is erected. Shell and shot are now manufactured in the Arsenal.

880. Are iron guns manufactured by you to a large extent?—No; iron guns are not manufactured at present.

881. Are they to be manufactured?—They are to be manufactured. I can give an instance with reference to economy in the case of shells. I have had a return drawn out of the price which we pay for shells by contract, and the price at which we are manufacturing them at present. I may mention that shells at one time were comparatively cheap. At one time we did not pay more than 8 *l.* or 7 *l.* 15 *s.* a ton; the price varied according to the price of iron and the price of labour; but soon after the war broke out the price was raised enormously. Of course this arose partly from the inconvenience which the contractors were put to to turn out those articles quickly; but it also arose from their knowing that they could make a good profit. You generally find that when the demand for an article is great, the price rises, particularly when the manufacturers know that you must have the article. It was not a question of price with us at that time; the supply was absolutely necessary. I have a return here of the average price of shells. I have gone very minutely into the subject, and studied the details of it. I find here the price of different sorts of shells. The 13-inch shells we manufactured in the arsenal at the rate of 6 *l.* 7 *s.* 4 ½ *d.* per ton, and upon the average the contractor's price for those shells was 11 *l.* 15 *s.* per ton; some contractors charged as much as 13 *l.*, and others 10 *l.* 15 *s.* Now when we come to a very special article, the diaphragm shell, we find that the

the price for an 8-inch diaphragm shell was 20 *l.* 10 *s.* by contract, whereas we make them at the rate of 8 *l.* 14 *s.* 7 ½ *d.* For the 6-pounder diaphragm shell, which is more troublesome to make, on account of its being a smaller shell, we paid as much as 73 *l.* a ton by contract, and we manufacture them at the rate of 14 *l.* 19 *s.* 2 *d.*

882. *Chairman.*] Do you mean to say that the average price that you paid for those diaphragm shells was 73 *l.*?—Yes. There was only one person that made the shells. Most people would not undertake them. They were very difficult to make, and we actually paid 73 *l.* for the few we got.

883. Did you never get the diaphragm shells at a cheaper rate than that?—I do not think we got the 6-pounder diaphragm shells at a cheaper rate than that.

884. Will you describe to the Committee what you mean by the diaphragm shell?—It is a new description of Shrapnel shell, which has not been introduced more than four or five years, and that was the first contract we got with reference to them.

885. Viscount *Goderich.*] Is it a shell extensively used?—It is a shell that will be very extensively used.

886. *Chairman.*] Up to this period, being lately introduced into the service, it has not been much used?—The Shrapnel shell has been very much used, but the diaphragm shell, which is an improvement upon it, has not been much used.

887. I presume that you do not contend that the diaphragm shells, when they became to be known in the trade, would always cost as much as 73 *l.* per ton, even although you had not manufactured them yourselves?—If there were a great number of firms who undertook their manufacture, their price would no doubt be reduced if a great number were required.

888. Sir *Charles Napier.*] Did not you say that one reason why the price was so high, was because you were obliged to get them all from one person?—Yes, the reason why they were so much higher than the other description of shell, was partly on account of their being small, and also because only one firm would undertake to manufacture them.

889. Would not more firms afterwards have undertaken to manufacture them?—We shall manufacture them ourselves.

890. Would not other firms have manufactured during the war?—I do not think that any other contractors would have undertaken them.

891. Did you get any from any other firm?—I am not aware that we did.

892. Colonel *Dunne.*] Were applications made to other firms?—Yes.

893. Did they refuse to manufacture them?—Yes.

894. Mr. *Muntz.*] Even at the exorbitant price you have mentioned, did they refuse to make them?—We did not offer them a price, we merely made the offer of making the shells, and they gave in their price; we did not state any price.

895. Did not you say you paid 73 *l.* per ton for them?—Yes.

896. Have you had any offers made by anybody else to make them at any other price?—I am not aware whether we have or not.

897. When you spoke of the extraordinary advance that took place in the price of shells, and mentioned 7 *l.* 15 *s.* per ton as the former price, what date did you refer to?—I think it was 1848 or 1849.

898. When did the advance take place?—When the war broke out.

899. Was not there any advance before the war broke out?—There was an advance and reduction, as I stated; the price of iron and the price of labour vary; and it varied with them.

900. What advance was there from the low price you first mentioned up to the time the war broke out?—The average price during the war was 11 *l.* 15 *s.*

901. What was the highest price during the war?—I should think somewhere about 14 *l.*

962. Therefore, a great portion of the advance in price took place in consequence of the rise in the price of labour?—I have looked into that question, and I find that I cannot account for a difference of more than about 30 *s.* on account of material and the price of labour.

963. *Chairman.*] What is the calculation upon which you found your answer to that question?—I take into account the price of the iron and coal, and the

Captain *E. M. Boxer*, R.A.

3 July 1856.

different rates of labour, and for transport; in fact, everything which would affect the price of the shells supplied by the contractors.

904. Mr. *Muntz.*] Did not you find the difference more than 30 *s.*?—I found that I could account for about 30 *s.* per ton; but I cannot now state the exact amount.

905. Was not the advance in iron double that amount?—Not of the sort of iron which we require.

906. Did not the very iron that was used for shells advance in price, between the date that you first mentioned and the last date, double that amount?—I can give you the figures exactly.

907. Will you put in a statement of the way in which you made that calculation?—I will.

908. Mr. *Corry.*] Would not the advance in the price of iron affect the cost of the manufacture in the arsenal as well as by private manufacturers?—Yes, as far as regards the price of iron purchased during the war.

909. Therefore, if iron had been as cheap as it was before the war, you could have manufactured at a cheaper rate in the arsenal?—Certainly.

910. With respect to quality, which gave you the more satisfactory results, the shells manufactured at a cheaper rate in the arsenal, or those purchased at a dearer rate of the contractors?—We did not manufacture shells for a sufficient time to enable me to state that. I could only state with respect to the examination carried on in the arsenal, that the course of examination, as I before stated, is not sufficient to insure the article being sufficiently good for the purpose for which it is required.

911. Is it intended for the future to manufacture all the shells for the use of the army in the arsenal?—All shells and shot.

912. And to take them away from the contractors altogether?—Entirely.

913. What articles is it intended in future to manufacture at the arsenal?—I could hardly give a list of them; the number of articles is very large.

914. You mentioned guns just now as articles which it was intended to manufacture in the arsenal?—Yes.

915. And mortars?—We shall not manufacture the whole of the guns that we shall require for the service; at least, not for the present. Of course this will depend upon the degree of success which may be attained.

916. Sir *Charles Napier.*] You stated that those articles could be manufactured better and cheaper in the arsenal than by anybody else, provided proper people are appointed to carry on those works. Do you know of any improper appointments that have been made during the last 10 months?—Not one.

917. *Chairman.*] Will you state the mode in which appointments have been made in the arsenal, and the mode in which promotions are carried on there, with regard to the head of the department, as well as to the other officers?—The head of the department is appointed by Lord Panmure, of course he makes it after due enquiry.

918. Sir *Charles Napier.*] Does he make use of reports from the officers in the arsenal. Suppose an appointment is vacant, Lord Panmure fills it up, does he fill it up himself, or does he get a report from anybody in the arsenal?—With regard to the head of the department, he would go higher than to get a report from the arsenal; but with regard to subordinate appointments, no appointment is made without the recommendation of the head of the department; the responsibility rests with the head of the department. In the system which used to be in operation, the head of the department could not discharge, promote, or take on any man without express authority from the Secretary of State for War, or from the Master-general of the Ordnance. Now the head of the department has full powers to promote, take on, and to discharge any man he may think proper, provided he does not exceed the number of the men in the department at the particular rate for which authority has been obtained.

919. Who do you consider the head of the department resident at Woolwich?—There are three heads of departments in the arsenal.

920. Are they all independent of each other?—All independent of each other.

921. There is no chief over them?—There is no chief over them; their duties are entirely different.

922. Mr. *Corry.*] Is each of those three officers paramount in his own department?—Yes, of course; the general work of the arsenal is carried on by a committee composed of the heads of the departments, who meet once or twice a week.

Captain E. M. Boxer, R.A. 8 July 1850

923. Sir *Charles Napier.*] What are the names of the three departments?—The Royal Gun Manufactory, which supplies guns, mortars, howitzers, and things of that description, and all articles required to equip guns, such as sights, &c. Then there is the Carriage Department, which supplies the carriages; and there is the Laboratory Department, which supplies ammunition, including shot and shells.

924. All independent of each other?—All independent of each other.

925. Suppose that any irregularity took place in the arsenal, who do you apply to?—There is a committee in the arsenal of the heads of the departments; the president of the committee is the senior officer present, they would apply to the senior officer present.

926. What department are you in?—The laboratory.

927. Who is at the head of that department?—I am at the head of it.

928. Supposing you see any man idling his time away, have you the power of discharging him forthwith?—I always do so; I turn him out of the gate at once.

929. Have you the power of doing so?—I have the power of doing so.

930. Have you the power of appointment also?—Yes.

931. Without any recommendation whatever?—Without any recommendation whatever, as regards labourers and mechanics, or men on daily wages.

932. So that you have the entire power, if men are idle, and do not do their work properly, of sending them away without any reference whatever to the War-office?—Yes; the entire responsibility of the department in these particulars is vested in me.

933. Mr. *Muntz.*] You spoke of the discrepancy between the cost of the shells manufactured by the Government and the cost of those manufactured by the manufacturers. Can you put in any estimate of the comparative cost of those two modes of manufacture?—This is the estimate. (*Producing the same.*)

934. Will you hand it in?—(*The same was handed in.*) *Vide* Appendix.

935. Colonel *Dunne.*] In your calculation in the cost of shells, do you take the value of the manufactory itself and the machinery, and which is called plant?—The whole of that is taken in, you will find a per centage.

936. During peace will those manufacturers be employed?—If we do not want shells manufactured the permanent staff, which is small, will be alone retained in the Government employ.

937. Do you take into account the deterioration which must naturally occur to the machinery when unused, and to the building itself when unemployed?—I have taken a certain per centage upon everything for that.

938. How do you calculate that per centage?—During the time of peace the machinery will not deteriorate if properly looked after.

939. Suppose that new inventions are employed and you find yourselves behindhand, are you obliged to go on with the old machinery, or will it not be an expense to the country to renew it?—Yes; and in the same way that would apply to the party who make shells, and they would charge more upon that account.

940. Mr. *Muntz.*] Upon what data do you found your opinion that the Government must necessarily be able to manufacture cheaper than individuals? I spoke merely of the fact.

941. You said that Government could always manufacture at a cheaper rate all the articles that they want than they could obtain them by contract; upon what data do you found that opinion?—I think the manufacturers, if they had such plant as the Government would consider that it was desirable to have to manufacture a particular article, could manufacture it just as cheaply as the Government, but there is no inducement held out to them to have a very large manufactory, and of course they will not have the machinery for that special article. As the demand for that special article will vary so much, they would not go to the expense of having a large plant in order to be able to manufacture cheaply, that is one of the reasons why the Government would manufacture cheaper than the manufacturers in general, as the demand comes suddenly, the private manufacturers make use of the means which they have of supplying the article at the time.

942. Is it necessary that any individual should have such an extensive establishment as to be able to manufacture the whole quantity of articles required.

Captain *E. M. Bozer*, R. A.

8 July 1856.

It is not necessary that the contract should be all in one individual; why should not several manufacturers contract with Government to supply the shells which the Government desire to manufacture themselves?—That would be only a reason why the private manufacturer should not have a large plant; if we only employed one man, it might be worth his while to have a large and efficient plant.

943. Why is it necessary to have so large a plant as to make it unproductive?—If they have not sufficient plant to do it advantageously when they are called upon to manufacture, it is at a disadvantage as far as price is concerned.

944. To what extent do you estimate that a man must have plant before he can manufacture?—It all depends upon what price he asks; if he chooses to ask a high price he gets a large profit although he works with the rudest tools, it would entirely depend upon that.

945. How do you estimate that a man must have a plant of a certain extent before he can manufacture with a profit. Did not you state that unless he had a large contract he could not manufacture with a profit?—He could not manufacture so as to compete with the Government.

946. Have you had any experience as to this subject?—I have had experience of shells and other articles.

947. Have you had any experience of the manufacture of any article which would give you an opportunity of judging whether it can be done better by the Government than by private contractors?—I think there cannot be a better instance than the case which occurred during the war, about which an important question arose. It is the best example that can be given with reference to the supply of war materials.

948. Do you refer to the manufacture of shells during the late war?—There are other cases, the case of the naval fuses. When the laboratory was established at the breaking out of the war, it was very small indeed. We had but a few tools, and we were not capable of making a hundredth part of the materials that were required. At that time there was a large demand for naval fuses, and we were utterly unable to supply the demand, and the consequence was, that we were obliged to go to the contractors. These fuses being a special article for war purposes, it took a considerable time before we were enabled to obtain the proper quantity. We have been manufacturing these fuses for the last two years; this is since we obtained the necessary plant, and I can state the difference in cost per thousand between our manufacture and that of the contractors. We were paying at the rate of 4 *s.* apiece; we paid 200 *l.* a thousand for these fuses, and we have actually made them at the rate of 85 *l.* 18 *s.* 5 ¾ *d.* per thousand. The return which I hold in my hand will show everything with reference to it. I have the whole of the details of what was actually done, what was actually performed.

949. *Chairman.*] Will you hand in that return to the Committee?—I will. (*The same was handed in.*)

Vide Appendix.

950. Will you state any other instances which you may know of a similar kind?—Another instance which shows the advantage of Government being enabled to manufacture the things which they want themselves, is with reference to the Shrapnel sockets. They are sockets used with the Shrapnel shell. When the war broke out, we had no plant at all to manufacture these sockets, and we were obliged to get them by contract. We supplied castings to the different manufacturers in London, the best men, (we objected to go elsewhere); and the average price of these sockets which was charged at the time (of course we were pressed for them considerably at the time, as we generally are in time of war), was 1 *s.* to complete them after the casting was given. That price did not include the rough casting, but merely the after workmanship upon it. The total cost for labor upon 1,000 Shrapnel sockets, which we have been for the last two years manufacturing, is 4 *l.* 5 *s.* 2 *d.* a thousand. The price paid for labour, to the contractors per thousand was 50 *l.*; in some cases it was 1 *s.* 6 *d.* apiece; in other cases it was 8 *d.* apiece.

951. Mr. *Jackson.*] Did not you ever have any lower price offered than that?—I think in one or two cases we had an offer for 8 *d.*, but those sockets were exceedingly bad. We were very much pressed at the time for the sockets, and found the greatest difficulty in getting them, and we were obliged to throw it open to everybody whom we could find. But, of course, unless we could get them well made, we could not get them in time. The lowest priced, which cost 8 *d.*, were often rejected.

952. Did you advertise for these sockets, or did you merely apply to the parties whom you knew before?—We did not advertise.

953. You published no advertisements?—No, we did not publish advertisements. I had undertaken to supply them, and of course I took the means that I thought most desirable. I have a return upon this subject which, with the permission of the Committee, I will hand in. (*The same was put in.*) *Vide* Appendix.

954. Mr. *Corry.*] Are you of opinion that the fact of the Government being at the mercy of the trade, as it was before they manufactured articles for themselves, induced the manufacturers to charge exorbitant prices on the occasion of an emergency?—Yes.

955. The additional cost of articles obtained by the contractors was not so much on account of the additional cost of manufacture as of the additional prices which they felt they might charge in consequence of the Government being at their mercy?—Yes.

956. Mr. *Jackson.*] Did not the Government, being at their mercy, arise from the fact of applications being made to a limited number to supply the Government, instead of the whole thing being thrown open to public competition by public advertisement?—If we had thrown the thing open to public competition, we should not have got it done so soon, nor of the same quality.

957. Have you tested that?—I think that, as a matter of argument, we might show that that was the case; and I will give an example which is not exactly a case of open competition, but which will tend to show that open competetion would be very defective indeed. By open competition, I mean advertising, and taking the lowest tender if there is nothing against the party offering it.

958. *Chairman.*] Will you give the instance to which you refer?—It is with regard to shells. We were so very much pressed for shells when the war broke out, that we were obliged to get every one who would undertake to make shells to contract to make them, provided there was nothing against him. Every one that chose to make shells we were glad enough to enter into a contract with. There was a large number of these contractors who were never able to complete their contracts. I do not want to give the names of the contractors. I do not think there was any disgrace attached to them. Perhaps they did not know what they were undertaking; but in the case of as many as 12 or 14 of these contractors, a portion of the contracts were cancelled.

959. Mr. *Jackson.*] Out of how many?—I should think of the majority.

960. Colonel *Boldero.*] Did these parties volunteer to contract, or did you write to them to ask them to contract?—I am not quite certain whether the application was made to them.

961. Mr. *Moffatt.*] Will you state to the Committee what the terms of those contracts were?—The contracts were to supply a certain number of shells of a proper quality in a certain time and at a certain price.

962. Under what penalties, in case the contracts were broken?—I am not sure. I had nothing whatever to do with the contracts, but there is a penalty generally attached.

963. Mr. *Muntz.*] Have you any of these contracts with you?—No.

964. Sir *Charles Napier.*] Was not the quantity of shells in store at the beginning of the war much lower than it ought to have been?—Certainly, as the results showed.

965. Do not you think that, if they had been at the proper establishment, you would not have been so much pressed when the war broke out?—I think it is not a very desirable thing to have a large stock of shells, or of any warlike store on hand.

966. *Chairman.*] Why do you think so?—First, because there is the loss of interest on the money spent in these stores, and secondly, because a projectile may be altered in construction, and the stores may become useless.

967. Sir *Charles Napier.*] You have stated that, in your opinion, it would be better for everything to be manufactured at Woolwich Arsenal?—Yes, every special article.

968. Do you mean that articles such as guns, shells, and everything of that description, ought to be manufactured there?—Yes.

969. Would you have an establishment large enough to do that in war time?—Certainly.

970. Supposing a long peace, would not the capital sunk there amount to an enormous

Captain *E. M. Boxer*, R.A.

8 July 1856.

enormous sum of money?—Yes; but the saving that would be effected in one month of war would cover the whole establishment, so that it might be thrown into the Thames and still the Government would be no loser by having the establishment. I should say that in case of war, if we had had an establishment sufficient to have manufactured all our own shells, we should have saved half a million of money.

971. Would not that plan knock up all the other establishments in the country for the manufacture of articles of war, so that in the event of your requiring more than you could manufacture, you would have no establishment to look to?—Yes; but we should have such an establishment as would be capable of turning out anything that we required.

972. Mr. *Jackson.*] How many tons per day of finished shells can you turn out from your establishment?—Somewhere about 150 or 200.

973. That is the total quantity that you manufacture?—Yes; that is the whole number that we shall be capable of turning out.

974. Can you state to the Committee the quantity of tons of shells that were shipped to the Crimea?—I cannot tell you now.

975. Could you inform the Committee at some future time?—I will put in a statement of that.

976. Mr. *Liddell.*] Is the Committee to understand you to say that it is contemplated by the Government to keep an enormous quantity of these special articles for war purposes in store, or merely to have sufficient machinery, and a sufficient amount of raw material for their manufacture in store, so as to be able to meet the extra demand whenever it may arise?—The great principle which I would recommend is not to have a large store, but to have such an establishment as would enable, in case of emergency, to turn out the articles we require.

977. Then must you not have a sufficient store of the raw material to meet the demand whenever it may arise?—Yes.

978. Are there not certain articles which would rise in price from the unusual demand which a war would tend to create?—Yes.

979. Are not a great number of those articles perishable?—A certain number are.

980. Therefore there would be a dead loss to the Government from those articles?—There would be a considerable loss; I was told by an officer who had come from the Crimea, with reference to some of the tools that were sent out, and which failed, that they would have been very good if they had not been kept in store for so long a time, but that they had perished.

981. With regard to the raw materials of which these things are to be constructed, is not the raw material in some instances perishable?—Yes; but I would not keep a large supply of raw material, because you can always obtain any quantity of the raw material you may require; you might not get it so advantageously as you would do if you got it at another time; but I think for all that it is better not to keep a large stock on hand.

982. Then under the new system you would still be liable to the rise in the price of those articles which any extra demand may raise at any future time?—Yes, for raw material.

983. *Chairman.*] You have also stated that in your opinion the amount of additional cost of articles between war and peace arises, not in any very great degree from the rise in the price of the raw material, but from the additional cost which is charged by the contractors, who see the Government at their mercy, and take advantage of the emergency?—That is my firm opinion.

984. Mr. *Corry.*] What was the cost of the building and of the machinery for the manufacture of shells at the Woolwich Arsenal?—The cost of the machinery, buildings, and everything else, would be about 55,000 *l.*

985. Is that for the shells alone?—For shells and shot.

986. Colonel *Boldero.*] The Government have of course employed contractors of the highest respectability, both in positionand character, and ability, to supply them with iron ordnance, and guns, mortars, shot and shells?—Yes.

987. Are they permanent contractors with you, running on from year to year?—No.

988. Do you mean to tell the Committee that they raised their prices when the war took place beyond what was fair at the time, considering the price of labour and the price of materials?—Yes, I think they did raise their price, and did make a great profit at the time.

989. Mr.

989. Mr. *Muntz.*] Do you mean to say that they took advantage of the circumstances?—Yes, I thoroughly believe they did. I cannot prove a thing of that sort, but it is my opinion.

990. You said just now that the stock of shells was not large at the commencement of the war; can you give the Committee any idea of what it was?—There were not sufficient shells to equip the first battering train that went out to the East.

991. What in your opinion should be the stock of shells kept in store in time of peace?—I would have a very small stock indeed in time of peace, because we shall have an establishment that can turn out any number that can be required.

992. Can you tell me what the price of shells was up to the time of the declaration of war?—I am not quite sure what the price of shells was.

993. Did not you buy large quantities of shells at 8 *l.* a ton?—We might have done so; I am not aware of it.

994. Colonel *Boldero.*] Take one contractor, say the Low Moor Company, which is one of the most respectable firms in England; did your contract with them exist before the war took place?—Yes.

995. *Chairman.*] Do they manufacture shells for you?—Yes.

996. Colonel *Boldero.*] If their contract was made before the war took place, how did they raise the price of their shells?—The contract was not made before the war took place. It is not a permanent contract, it is a contract year by year.

997. Would you put in a statement of what you paid for 13-inch shells in the year before the war broke out, and what you paid for them in the year that the war ceased?—I have not that information at present; but I will furnish it to the Committee.

998. Sir *C. Napier.*] You stated that you preferred a limited contract to throwing the matter open to public competition?—Yes.

999. You have stated that if a man supplied you well you would continue to deal with him, without any contract at all; that if you found that he had had a contract, and had supplied you well, you would go on with him, is not that so?—Only in some cases; for instance, supposing that I had to perform a certain work, and time was of the utmost importance, in fact, of greater importance than price, and if there was only one man in whom I could place confidence, or if there was one man in whom I could place the greatest confidence, I would give that man the preference over every one else.

1000. Would not that open the door to a great deal of abuse; supposing there were any people who were not particularly honest, would it not open the door to a great deal of corruption?—I do not see that it would open the door to nearly as much corruption as any other system that you might devise; any system is open to corruption to a certain extent; but the system least open to corruption is that in which you get an individual to do a certain work and give him the whole responsibility of the work. Whatever checks you may have, they are all open to corruption more or less; but I believe the one that is least open to corruption is that in which you put the whole responsibility upon one individual, and let him carry out the work in his own way.

1001. Supposing a person had an understanding with you, and were to make you a present, would not the system be liable to corruption of that kind?—Every system is liable to that.

1002. Is the system of open contract liable to that?—Yes; it is just as liable to it as any other system.

1003. If you issue a contract to be supplied with 100,000 shells, and the contracts are opened on your table, and you take the lowest, you do that person who supplies you no favour whatever?—No; but I have to pass the shells, and the man may come to me and say, "if you will get these shells through I will give you a present."

1004. Are you the only person who examines the shells?—Yes, I am the only person; I have the superintendence of their examination.

1005. Is there no check upon you at all in that matter?—None, except the firing of the shells off perhaps very many years afterwards.

1006. Mr. *Jackson.*] Do you think that you would be in a position to pass 100,000 shells yourself?—It would be quite possible to do so, if I chose.

1007. Mr. *Liddell.*] Were there any complaints made to your department as to the quality of the shells during the late war?—The quality of the shells, generally

Captain *E. M. Boxer*, R. A.

8 July 1856.

generally speaking, was very good; the shells that were fired were very good; there were some that did not succeed; but we never got any very definite information with regard to these matters.

1008. Colonel *Boldero.*] Your evidence goes to this, that the Government do manufacture the whole of their guns and iron ordnance, shot, and shell, or that you wish that it should be done?—Yes; that plan is already adopted.

1009. Suppose we had another war, and a siege of as great a length as the siege of Sebastopol, do you think that the Government would have the power of turning out shot and shell, &c. sufficient for all emergencies?—Any emergency that could possibly arise, even if it were far greater than any that have arisen hitherto, the country could supply.

1010. Mr. *Jackson.*] Should you experience any difficulty in obtaining the extra supply of hands?—None whatever; because our system is such that it does not require skilled labour; only a small staff of skilled workmen are required in carrying out the system; it is all done by labourers and boys; we can always get labourers and boys, and we find no difficulty in managing them; whereas, when we have to deal with mechanics, there is great difficulty in managing them. A large Government establishment, that should be established on that principle, would have a great advantage.

1011. Mr. *Muntz.*] In respect to casting shells to the amount of from 150 to 250 tons a day, would not the number of men employed in casting be considable?—A very small amount of skill is necessary in pouring the metal into the mould; one skilled man might go round and superintend the pouring of an enormous number of shells.

1012. Does not the moulding require skilled labour?—The moulding is done entirely by labourers and boys.

1013. Mr. *Jackson.*] Can you pick a man out of the streets and teach him to mould shells in 24 hours?—I could teach him in two days by the system that we adopt; it is a peculiar system.

1014. *Chairman.*] Have you done it?—I have. Such a man could do it far better than a skilled workman could do it by the ordinary means.

1015. Mr. *Jackson.*] Do you mean to say that the manufacturers of England have not the same amount of machinery as you have?—Certainly.

1016. Do you speak from your own knowledge of that?—With regard to machinery for shells, we are far above the other manufacturers of England.

1017. From what do you judge in saying that?—From personal observation.

1018. Have you seen the different manufactories in which the shells that are supplied to the Government are made?—I have been in two or three of the best manufactories in the kingdom.

1019. Will you name those with which you compare your works?—The Low Moor Company is considered to be the best in England, and I should compare them with that.

1020. Do you consider that in point of cost the Woolwich manufactory is cheaper than the Low Moor manufactory?—It is cheaper than the system adopted when I was there. My observation was made two years ago, and I believe they have to a certain extent adopted our system since that time.

1021. *Chairman.*] I presume that what you have found is that the shells which you get from your own manufactory cost the Government a less sum of money than the shells supplied by the Low Moor Company in time of war, on account of their charging high prices to the Government?—It costs the Government less, and it costs less in manufacturing on account of their system not being so good as ours.

1022. Captain *Laffan.*] Is not it the case that the great saving that you have effected by employing men of a limited amount of skill and boys, arises entirely from the adoption of certain contrivances that were invented by yourself, which reduce the operations of moulding and casting to mere common labour, instead of requiring very skilled men?—That is so. They were not entirely invented by myself. I had some hand in the invention, but Mr. Anderson had much to do with this as with all other similar matters. We also received assistance from other parties, particularly from Mr. Greenwood; they were invented at Woolwich.

1023. Sir *Charles Napier.*] Is not that system adopted by other manufacturers?—I believe some others have adopted it; but at first they stated that it was impossible that we could do it. The Low Moor people said that we could not do it.

Captain *E. M. Boxer*, R.A.

8 July 1856.

1024. Colonel *Boldero.*] The Low Moor Company have iron on the spot, and coal on the spot, and machinery that costs some thousands, or tens of thousands of pounds; do you mean to say that you, at Woolwich, living away from the raw material, coal and iron, and not having skill greater than the Low Moor people, can manufacture shells cheaper?—In the first place, I do not at all admit that they have anything like the machinery that we have in the Royal Arsenal; and, secondly, they do not use their own iron, because it is too valuable to use for shells; they get their iron from Scotland.

1025. But have they not coals on the spot?—They have coals on the spot; but of course, as far as the coal is concerned, though they have a great advantage, it matters very little to us if they charge us as much for it as if it were further off.

1026. *Chairman.*] Putting all speculation aside, do you in fact get shells cheaper by manufacturing them yourselves than you got them from the Low Moor Company?—Yes.

1027. Mr. *Jackson.*] Have you made any calculation of the difference of expense?—I have made a calculation of the difference of expense during the war, which is the only time when we care about shells.

1028. Mr. *Muntz.*] As the Low Moor Company have intended to adopt your plan of making shells, and it appears there is no secrecy about it, will you tell the Committee what the plan is?—I am afraid that I should not be able to explain it properly, but if any of the Committee will come down to Woolwich, I shall be happy to show them the whole process.

1029. Mr. *Jackson.*] If the Low Moor Company, or any other company who produce iron upon the spot, and who have labour in the district, and plenty of cheap coal near, were to adopt your system of casting shells, the only difference between you and them being the sending the manufactured article to Woolwich instead of the unmanufactured materials, do you think that with dear coal, and dear labour, you are in a better position to manufacture at a cheaper cost than any other manufactory?—We should not be in a better position provided they manufactured shells in our way.

1030. Supposing there were 20, 30, 40, or 50 manufacturers, as there are in this country, if you throw open these things to open competition, would not they soon compete the one with the other, so as to produce an article cheaper than you could produce at Woolwich?—We should not get more than three or four manufacturers to produce them.

1031. Have you ever tried 40 or 50?—We have tried about 20, and most of them have failed as to time.

1032. Sir *Charles Napier.*] Has the supply of shells ever been put up to public competition?—The plan we adopted is the same in effect as it would be if it were by advertisement.

1033. Mr. *Corry.*] Upon what principle are the persons to whom you apply selected?—In the case of shells, I am not quite sure how they were selected.

1034. Sir *Charles Napier.*] Do you put advertisements in the papers to say that you will be ready to receive contracts for the supply of such and such articles thrown open to the whole world?—We have never done so, so far as war material is concerned, I do not think it has ever been done; with regard to building I think it has been done.

1035. Is your work done by time-pieces, or by daily pay?—In some cases we work by time-piece, and in some cases it is necessary to employ daily pay.

1036. Generally speaking, we know perfectly well that in all public departments there is a great deal of idleness, the men do not work so well as they do elsewhere; is your establishment at Woolwich an exception to that rule?—I do not know what other departments are, but I know very well that at Woolwich there is no idleness at the present time, and for the last two years I can speak from experience; of course there must be idleness everywhere, but I think there is as little idleness at Woolwich as in any manufactory in the kingdom.

1037. Mr. *Corry.*] Have you the power of dismissing men if they are idle?—Yes.

1038. *Chairman.*] And do you, if you find the men idle, dismiss them without mercy?—We do; the system we adopt is that every man shall do a certain amount of work, and the system of book-keeping is such in all the departments, that I find out at once what the man has done.

Captain *E. M. Boxer*, R.A.

8 July 1856.

1039. Colonel *Boldero.*] What do you consider a fair profit to a firm that has raised extensive and costly machinery, and has great experience and knowledge of their business in working for your department?—I cannot at all speak to that point.

1040. How can you make a calculation, unless you know what profit they get?—I do not care in the least about their profit; I merely state what the facts are.

1041. You told us just now that they had raised their price, during the war, beyond what the increased price of labour and materials justified; must they not, therefore, have made a greater profit than formerly?—They must have made a larger profit than they did before the war broke out.

1042. What do you think a fair profit to a mercantile firm that undertakes to construct a bridge, or make a shell?—I could not give an opinion at all.

1043. Would you give seven per cent. or 10?—I should think they ought not to get less than 10 per cent.

1044. Colonel *Dunne.*] Would not you estimate the profit by knowing the cost at which you manufactured yourself, and the difference between what they charged, and what it cost you?—Yes.

1045. You say that the officers who superintend the manufactures should be chosen for their fitness, and that among the artillery the officers should be chosen who are best acquainted with the manufactures?—First of all, he must be intimately acquainted with the use of the war material which he is going to manufacture; secondly, he should be a man whose general turn of mind is to study machinery and the appliances of art; and thirdly, he should be a man of talent.

1046. And he should be selected by the Minister of War?—He is selected by the Minister of War.

1047. What means has the Minister of War of knowing anything about them?—Sometimes by reputation; and of course he gets the best advice he can about the matter.

1048. Is it not through the officer commanding the corps that the recommendation should be made to the Minister of War, of what was the value of those men?—In most cases it would be so, except in special cases.

1049. Would such an officer be removed from his regiment, and placed over a manufactory?—He is a supernumerary; he is not removed from the regiment, he is only taken off the effective force.

1050. Has he to remain in that situation for life?—The appointments are for five years; it is not necessary that they should be removed at the end of five years.

1051. Five years was the length of service at Woolwich by the old system; seven, was it not?—No, five years.

1052. Was not it the system in theory that all the officers of artillery were placed over the manufacturing departments for five years in succession?—Five years was the time; I believe that the rule then was something similar to what it is now, namely, that the officer need not at the end of five years be removed.

1053. In former days, they were sometimes continued for another space of time, if it was found for the benefit of the service; was not that so?—Yes.

1054. Is the rule of remaining five years, a rule still obtaining in the artillery?—Yes.

1055. Is the infraction of that rule practised in the same way it was before?—Yes.

1056. Therefore there is no change of the rule from what it was before?—No.

1057. What position do these officers hold in the regiment?—They are supernumeraries.

1058. And they return into the force at the end of the five years, or not, as it is deemed necessary?—Yes.

1059 If an officer gets the charge of any manufactory, and does it well, do you approve of his changing his position?—I think, in certain cases, it would be a most lamentable thing to change, if he was willing to remain (for officers are sometimes not willing to remain), and he was considered to be better qualified than any other person to hold the position.

1060. Therefore, in some cases, it would be for the benefit of the public service that the officer should always remain at the head of an establishment?—Yes,

Yes, so long as he should be capable of performing the duties under those circumstances.

1061. Then would it not be quite as well to have an officer who was totally unconnected with the army, if he was a skilled manufacturer?—I think that the most important element in the qualifications of the head of the manufacturing department for warlike stores is, that that person should have a practical knowledge of the articles he manufactures.

1062. Would there be any necessity for his being an officer at all?—Certainly. No one but an officer has an opportunity of becoming acquainted with those things.

1063. If the officer remains there all his life, does not he lose all knowledge of the special duties of his profession?—He is in a position to get more experience in the matter than any officer of the service.

1064. On what account?—He sees no firing against an enemy, but so far as an intimate knowledge of the matter is concerned, he is constantly having experience, and his attention is constantly drawn to those particular things.

1065. Would you propose that the officers under him should be equally junior officers of artillery?—Certainly.

1066. Would you keep them in the same way?—The duties of the second officers are distinct from those of the head; they have nothing to do with the manufacture in this department. The one is a captain instructor, whose duty is to instruct a certain number of officers and men who are placed in the department for the purpose of going through a regular course in the preparation of the war matériel.

1067. How does he learn that himself?—Of course he is chosen as a man who has turned his attention to the particular things; he may have gone through the course in which he is now to instruct others.

1068. Must he have gone through that course?—At one time the officers and men went through that course, but when the war broke out it was discontinued. From my experience, I think it desirable that the men should go through that course.

1069. Then the officers have nothing to do with the manufactures?—In my department there is one officer, a captain-instructor, and there is a captain-inspector, who is supposed to be unconnected with the manufactures, for he has to test the various articles that are employed; he goes, for instance, into the shed where they are manufactured, and he would take a certain number and fire them, and not being connected with the manufactory at all, we have a good guarantee that it is carried on well.

1070. Are there three officers in that department?—Yes.

1071. Is all the business carried on by civilians?—Yes; there are two managers, who carry out the work and who are responsible to me.

1072. Except yourself, is it not in all respects a civil manufactory carried on by civilians?—Yes, in all respects.

1073. Sir *Charles Napier*.] Who is the head of the carriage department?—Colonel Tulloch is the head of that department.

1074. Has he been there long?—Some years.

1075. What does an artillery officer know of a carriage?—He ought to know more about it than anyone else.

1076. Do you think that a colonel of artillery would know how to make a gun-carriage as well as a person brought up regularly to the trade?—I do not suppose that he could put his hand to making a carriage himself, but if he is an efficient artillery officer, he knows the principles upon which the carriage is constructed, and therefore he would be a better person to superintend the manufacture, having an efficient knowledge of it, than a civilian.

1077. Do you think a captain of artillery would know if an axletree was properly made?—I think he ought to do so if he was a good officer.

1078. *Chairman*.] Has not every artillery officer a knowledge of the mechanical formation of guns, and all those things?—Yes.

1079. Is he not sometimes put in positions in which he is obliged to exercise that knowledge?—It is most important that he should have a knowledge of everything which he has to deal with.

1080. Under the former system in the arsenal, were not the officers who were employed in that way actually engaged in the superintendence of those manu-

Captain *E. M. Boxer*, R. A.

8 July 1856.

factures, and obliged to know the details of them?—It would be very desirable for every officer to know that, but it is another thing whether every officer does.

1081. Were not a certain number of officers employed in that way under the old system?—Yes.

1082. At present they are not?—No.

1083. I understand you to say that those officers under you have nothing to do with the manufactures?—They have nothing to do with the manufactures; it is done under my superintendence.

1084. Formerly, was not the business done in a great degree by military officers?—In the laboratory department there was a fire master besides; he was an executive officer carrying out the duties under the director, because at one time, a considerable time ago, the director had a great deal of duty away from Woolwich; in fact, I believe he seldom was at Woolwich.

1085. Mr. *Corry*.] In your opinion is the arsenal worked better under the new system than under the old?—Infinitely better.

1086. *Chairman*.] Did not these fire masters by degrees acquire a knowledge of the manufacture which would be of use afterwards when they were employed in foreign stations?—Yes.

1087. Have not they lost the advantage of the instruction which they had before?—Certainly not; because, by going through the proper course of six months' instruction in the way that is proposed, the captain instructor instructing them, they would gain very likely as much or more of that knowledge essential to an officer of artillery than by being connected with the department.

1088. How may years were those officers connected formerly with the department?—The same time as the head of the department.

1089. That was five years?—Yes.

1090. Do you think that from the captain's instruction they will gain more information than by five years' actual superintendence of the works?—It is quite possible that they may gain more instruction on those points which are essential to them from that officer, than they would gain by being in the department for a considerable time. Under the old system they would perhaps have a better knowledge of the manufacture, but so far as the actual knowledge of the particular missiles which they have to use are concerned, very likely they would get a better knowledge of them from the captain instructor.

1091. Are those officers under your control for dismissal; can you remove them or appoint them?—No, that is done by recommendation to the Secretary of State for War; of course I could not remove any officer in that position, my authority is entirely with reference to mechanics; men receiving daily pay.

1092. Cannot you remove the mechanics without any appeal whatever?—Yes.

1093. Do you report to the Ordnance when you dismiss or appoint any artizans?—The only report that is made is, that every quarter I send a list of the changes that have taken place, without mentioning names; merely stating that so many men were dismissed, and so many more appointed.

1094. Under the old system, were not the names sent up from the arsenal by the officer in command there, with a recommendation of dismissal or punishment?—An officer could not dismiss any one.

1095. Did not he send a list of those he recommended?—When he wished to dismiss a man he merely suspended him, and then he sent a list stating that he recommended him to be dismissed.

1096. Was that man always dismissed?—It depended upon circumstances.

1097. Mr. *Moffatt*.] Will you be so kind as to inform the Committee what are your duties as superintendent of the Royal Laboratories at Woolwich?—My duties are to superintend the laboratory, which is the manufactory for all ammunition required for warlike purposes.

1098. Do you superintend the contracts that are made for the raw material for the supply of this laboratory?—With regard to the contracts, the only thing I have to do is, when I send in my quarterly demands for stores, to recommend to the Secretary of State for War the best means of obtaining those stores.

1099. Beyond that, you have nothing whatever to do with the contracts?—Beyond that, I have nothing whatever to do with the contracts.

1100. Neither with the cost nor the quality, nor the mode in which the contracts are made?—I merely recommend, and in my list I state the quality and the cost, and also the means of supplying those articles, and the power which

which the party I recommend has of supplying those articles for which I have recommended him.

1101. *Chairman.*] You had everything to do with testing the quality of the article?—Entirely; we had the examination of the article.

1102. Mr. *Moffatt.*] Are the Committee to understand that you have had nothing to do with the contracts after your recommendation as to whom the contracts are to be made with is sent to the Secretary of War?—Nothing; the recommendations are sent to the Secretary of State for War, and the Secretary of State for War decides whether they shall be followed or not.

1103. Do you mean to say that when you make recommendations as to who should be employed to supply the articles that you require, that you send those recommendations to the Minister at War?—Yes, to the War Department, at Pall Mall.

1104. The Minister-at-War asks you to give recommendations as to whom you think the supply should come from?—There are rules that direct that that shall be done.

1105. Colonel *Boldero.*] Did you recommend the Secretary-at-War to employ a broker instead of a contractor in any case?—No; the system has only been in operation a short time.

1106. Mr. *Moffatt.*] For how long have you been superintendent of the laboratory?—Since June twelvemonths.

1107. What was your previous experience in that department?—I was fire-master in the department for about eight or nine months.

1108. Would that enable you to be a very competent judge of all the various raw materials which are sent in to the Royal Laboratory at Woolwich?—During my service I have made it my special duty to study the whole matter of artillery materials.

1109. Do you refer to the year and a half that you have been at the head of the department?—During the whole of my service. Since I joined the service I have studied these subjects.

1110. Mr. *Corry.*] How many years is that?—Thirteen or fourteen years.

1111. Mr. *Moffatt.*] Your knowledge of these matters extends beyond the period of 18 months that you have been at the head of the department, and the nine months when you were fire-master?—Yes, I think I had my commission in 1839.

1112. What department were you employed in when you first joined?—When I first joined my regiment I did my regular military duty. After that I was appointed to the Royal Military Repository for a short period; and then, after that, to the academy, as instructor in fortification, where I remained four years. Then I was appointed to instruct the practical artillery, where I remained for about a year, or a year and a few months; and after that I was placed in the laboratory.

1113. Does the large experience that you have acquired enable you to inform the Committee that advertisement and public competition is a most defective mode of obtaining supplies?—My experience has been obtained during the last 18 months, which has been a time in which one would gain a great deal more experience with regard to warlike stores than could be gained during 40 years of peace.

1114. During that period of 18 months, for what length of time did the system of obtaining supplies by advertisements exist, and for what length of time did the system of private contract exist?—The system of public tender was never adopted in our department.

1115. Upon what do you base your strong objection to the system of public tender, seeing that you have apparently never had any practical experience of its operation?—First of all, as I have stated, that was partly the system which was in operation before the new system was adopted; for a list of the contractors was made out irrespective of the head of the department.

1116. Was that before you assumed your present situation?—No; it was during my time, before the new system came into operation.

1117. Through what period did the system of obtaining your supplies by tenders or by open competition obtain?—They have never been obtained by open tender during the whole period.

1118. Then will you explain to the Committee the grounds on which you object to the system of supply by open tender, seeing that you have never had any

Captain *E. M. Boxer*, R.A.

8 July 1856.

any practical experience of the system?—I have given an instance with regard to shells, which was not perhaps exactly the system of open tender, but which nearly agreed with the system of open tender; and I have shown that a certain number of men came forward who offered to supply those shells, and the contract in some cases was lower than it was in the others; in one particular case, where the contract was very low, lower than in other cases, and there was nothing against the man who made the offer, he failed entirely; that system would be allied to the system of open tender; he failed in sending in the shells at the time in which he undertook to do so, and also sent in shells of a most inferior quality; in fact, there was an attempt made by that very party to hide defects which were found out in the shells.

1119. Are you prepared to hand that contract in to the Committee?—I have not it at present.

1120. Will you state to the Committee what were the terms of the contract? I think it was made in the same way as all other contracts.

1121. Will you state what the penalties were for non-completion?—I am not aware what the penalties were.

1122. Mr. *Corry.*] Were those defective shells returned to the contractor?—Yes; we stopped the examination of them directly.

1123. Mr. *Moffatt.*] Did not you in that case make inquiry, to see whether there was any penalty for non-completion?—I had nothing whatever to do with the matter.

1124. Assuming that the man was a responsible man, and that there were heavy penalties upon him if he failed, would not that afford a sufficient security for the work being properly done?—Certainly not; I do not think that will afford sufficient security.

1125. Did Mr. Kinnaird supply you with shells?—Yes.

1126. Did not you send a great many of his shells back?—Mr. Kinnaird supplied us very well; those that he sent first were objected to, and there were a great number rejected, but that was what we expected.

1127. Have not a great number of shells been thrown back upon Mr. Kinnaird's hands after they had been received and painted at Woolwich?—I am not aware of one having been returned to him under those circumstances.

1128. If a party entering into a contract, and finding securities to complete that contract, fails to complete that contract, the public service is not damaged, inasmuch as they recover the entire loss they have suffered by reason of the non-completion of the contract?—I do not consider the case of money is to be compared with the other points which I have referred to, namely, getting the things at the proper time, and of ensuring their being of the proper quality; money is of no importance in comparison with them.

1129. Although the question of money may be of no importance to the Government, it would be of great importance to parties undertaking to supply the goods; is it not the best security, provided the contract is properly worded, that they will supply the goods?—I believe that there are many men who will undertake anything, without considering the cost of not fulfilling their engagements.

1130. They do not care to pay for the consequences of their default?—They do not care to pay for the consequences of their default.

1131. Do you know any instances of that?—I believe there were securities given by this very man of whom I have spoken, and that the man became a bankrupt.

1132. Are not his securities good?—I dare say they may be, but I am not aware of it.

1133. In point of fact, you do not know whether any security was taken?—I do not know for certain, but I believe so.

1134. Mr. *Muntz.*] If I recollect right, you said you had a difficulty in testing the quality of the shells; how were those shells tested which you rejected?—They were required to be sent in of a certain size and dimensions, and it was reqired that there should be no holes in them.

1135. Do you examine them?—We break a few shells here and there to look at the metal, as far as we can judge from the appearance of it.

1136. Mr. *Moffatt.*] Can you inform the Committee whether any person, having become security for another, has ever been called upon to pay for his default?—I know nothing whatever of that.

1137. Do

1137. Do you know of any case of a serious default on the part of a contractor, except the one you have mentioned?—I believe there are very many, but not in my department. I can state another case, where the system was shown to be a most defective one. It is with regard to a trifling article; but it shows that, with regard even to the most trifling article, it could not be properly applied. It is with regard to some crucibles. During the last war we were much pressed for fusees, and we could not manufacture them until they were cast, and to cast them we required crucibles. Some crucibles were sent from a certain firm, who were not the first makers of those things, and they proved to be utterly defective; in fact, so bad that we could not get the castings, and we wasted a great deal of metal, far more than would cover the difference in price between those men and any other men. I immediately reported the matter, and authority was given to me to purchase the things myself. I did not keep an accurate note of these things because I was so much engaged in getting things for the war; but in numberless cases, in which there was a want of those things, there was authority given to me to purchase them myself.

1138. Can you state the terms of the contract upon which those crucibles were supplied?—I could not state them. I had nothing to do with the contract. I merely sent in my demand, and they were supplied to me, and then I had to examine them.

1139. Does it not occur to you that, knowing nothing of the details of that contract, it can be scarcely possible for you to give the strong opinion that you have given as to the relative advantage of the two systems?—No. I can reason upon it; and from the experience I have had of contracts approaching to public competition, I think I am in as good a position as any man in the country can be to form an opinion as far as war matériel is concerned. I am merely speaking as to the supply of war matériel.

1140. But you are entirely ignorant of the terms of the contract?—Yes.

1141. Will you inform the Committee what is the difference of the price of the shells you send out of Woolwich as compared with those that you obtained at the same period from the contractors?—The return which I have handed in shows that 13-inch shells cost 6 *l.* 17 *s.* 4½ *d.*, and the contract price was 11 *l.* 15 *s.*

1142. What were the elements of the cost of the shells that cost 6 *l.* 17 *s.* 4½ *d.*?—I took the details of the whole manufacture, the cost of the iron purchased at the time, the cost of the coal purchased at the time, the incidental expenses, the wear and tear of machinery, and interest upon plant, and also the cost of superintendence and the cost of labour. In fact, it is a most detailed statement.

1143. In making the estimate of the cost of your shells to be 6 *l.* 17 *s.* 4½ *d.*, what proportion do you put down for capital sunk in buildings?—I took a certain per centage upon the cost of the building and the machinery which you will find in the return.

1144. Mr. *Jackson.*] Have you added to that estimate the fixed charges, namely, your own salary and the salary of other parties connected with the establishment?—I have added the cost of superintendence, which is, of course, the principal one.

1145. You have certain fixed charges to pay annually for the establishment at Woolwich, and you manufacture at Woolwich a certain amount of material?—Yes.

1146. Did you calculate what per centage those fixed charges were upon the the total proceeds of your manufacture?—It would be so trifling that you would hardly be able to estimate it.

1147. Can you furnish the Committee with the aggregate cost of all the fixed charges, salaries, &c., and set against it the amount that you have produced in 12 months, so that we might form an opinion as to what the average cost per ton or per article would be of what may be termed the fixed charges?—Yes; I may state with reference to that, that although the Committee may be in favour of buying of the manufacturers of the country sooner than employing Government departments, still there can be no question that there will be some articles that it is absolutely necessary that the Government should manufacture; and it would be necessary that there should be a superintendent of laboratories, whether their manufacture was small or large; therefore, it would hardly be fair, under those circumstances, to take special articles and put the fixed charges upon them.

Captain *E. M. Boxer*, R.A.

8 July 1856.

1148. The erection of buildings is necessary for carrying on a particular department of manufacture; have you made any estimate as to what the land upon which those buildings would be erected is worth?—I have not, but they are so very trifling that they would not be worth putting in.

1149. Mr. *Moffatt.*] Is it your duty to examine the stores when they are sent in?—I have the superintendence of them.

1150. Are you responsible for the stores?—Yes.

1151. Is it not the fact that the contracts are made with parties with whom you have no connexion, and you are simply the examiner of the goods, to see that they are sent in according to sample; is not your examination a check upon the goods being sent in as they should be supplied, and consequently a protection to the public interest in reference to the value of the goods?—If I could devise any examination by which I could insure the proper quality of the articles sent in in the time of war, then there would be something, although very little, in favour of open competition; but as I have said, it is practically impossible, by any examination you may have, to insure a good article; it is not extensive enough; you can only take a small portion of the goods supplied, and from that small portion you must infer whether the whole is good; and in many other cases you cannot test, by any physical test that you may make, whether the article supplied is well suited for the purpose to which it is to be applied.

1152. Does not it occur to you that it would be much more a protection to the public service that a party should buy the goods who has no connexion whatever with the party who examines the goods when they are delivered, and certifies as to the quality of the goods?—I do not think so; I think it would be much better for a person who has a practical experience of the matter, and who knows the parties, to purchase himself.

1153. Do you attach no value whatever to the double check which arises from having two or three persons instead of one, through whose hands the contract should pass?—I think these forms and checks only check the service, they do not check the contractor or the head of the department.

1154. *Chairman.*] In point of fact, you are now expressing an abstract opinion, because as you are aware, the system of the War Department is as you have mentioned, that there is one person to make the purchase, and another to test the quality of the article?—Yes; but I recommend the parties to whom the tenders should be offered, and the terms of the tender, &c., which is the same as if I made the purchase myself.

1155. But you have not the power to determine upon those matters?—No.

1156. Mr. *Moffatt.*] How is a contract made in your department?—I recommend the parties, and the Secretary of State adopts my choice or not, as he thinks fit.

1157. *Chairman.*] Does he adopt the recommendations that you make?—The system has not been long enough in operation for me to speak to it.

1158. In the case that occurred lately, with regard to machinery, was the recommendation of the heads of the department attended to?—I do not know.

1159. Mr. *Moffatt.*] Has the Secretary for War ever in any one instance disregarded your recommendation?—The operation of that system has lasted for so short a time that I have never yet recommended any one.

1160. You stated in your previous examination that by open competition you could not get a good article; will you state to the Committee your grounds for making that statement?—I do not state that you cannot get a good article; but what I state is, that there is no security for it, and that the chances are that you will not get a good article. I do not say that you cannot get a good article by that means.

1161. But the Committee are to understand that that is purely a theoretical opinion, because you have not had any practical experience of the working of the system of open competition?—I have had sufficient practical experience to be able to form a good opinion upon that matter.

1162. Colonel *Boldero.*] Has your department ever made a contract upon the principle of what is called open competition?—Never.

1163. Sir *Charles Napier.*] Do not you use a great quantity of coal and iron?—We consume a large quantity.

1164. How do you get it?—I have not had anything to do with the contract; I am not aware how we get it.

1165. You

1165. You do know whether it is supplied by broker or by contract?—It would be by contract; but whether it is by open advertisement, or by sending tenders to a select number of firms, I am not aware.

1166. *Chairman.*] Is not it purchased by brokers?—It has been purchased by a broker; but I think for the last season it has not been purchased by the broker.

1167. Colonel *Boldero.*] Did the respectable firms that were employed by Government previous to and during the war, perform their contracts satisfactorily?—Very satisfactorily.

1168. Were not the articles under the inspection of those approved by the Government?—Yes.

1169. Did they perform their duties satisfactorily?—All those which I would call first-rate firms performed their contracts well; and it is from that circumstance, and from the non-fulfilment of other contracts, that my impression so strongly arises in favour of the plan I advocate.

1170. Colonel *Dunne.*] In answer to a former question, you said that one advantage that arose from the Government manufacturing what they wanted themselves was their being able to supply the articles wanted at once?—Yes.

1171. Has that advantage been found to exist during the war?—Yes.

1172. Did the Enfield manufactory produce a single musket?—The manufacture has never been in operation; it is always some time before you can get a manufactory into action.

1173. Therefore these things are provided for a new war, and not for the last?—In the laboratory we have done a great deal for the present war.

1174. *Chairman.*] Had you done anything by your machinery during the late war?—All of it, ever since the beginning of the war.

1175. How was that machinery obtained?—I obtained the machinery from some of the first makers.

1176. Did you obtain it by contract?—By tenders from certain parties.

1177. By advertisement?—No, not by advertisement.

1178. Were those contracts made in the department, or by the director of contracts?—With regard to the machinery, we always recommended the party who should be employed; but in all cases with which I have had anything to do, it was done altogether by the head of the department and the inspector of machinery.

1179. Would it not be quite of necessary importance that that contract should be made by the party requiring the machinery, instead of the director-general of contracts?—It is absolutely necessary.

1180. As to iron ordnance, is there any regulation as to the quantity of iron ordnance that the country require to keep in store?—Colonel Wilmot will be able to speak to that.

1181. Are you erecting a manufactory for iron ordnance now?—Yes.

1182. Are you aware whether there is any iron ordnance required by the country at this moment?—I believe a large quantity is required.

1183. On what account is it required?—On account of the coast defences and the defences at different stations where large guns are required instead of small ones.

1184. Has there been any inquiry made with respect to the quantity of ordnance required for that purpose?—I believe so.

1185. Has any reference been made to you upon the subject?—No.

1186. Have you had anything to do with it?—I have had nothing to do with it.

1187. Is gunpowder under your superintendence?—No, except so far as the making it up into cartridges is concerned: the manufacture of gunpowder is under another officer.

1188. Is the manufacture of the powder that is used in percussion caps performed by contract or in the laboratory?—We buy the raw material and make it up in the laboratory.

1189. Have not there been objections to that supply?—I am not aware of it.

1190. Has it always been made up in that way?—Always, since the invention of percussion caps, they have been made in the laboratory. Great quantities were made by contract during the war, because we had not sufficient means for making them.

Captain *E. M. Boxer*, R.A.

8 July 1856.

1191. Have you sufficient means to make any quantity now?—Yes.

1192. Mr. *Corry.*] Are all the shells made under your direction?—Yes.

1193. Were not there many complaints from Sebastopol of shells not bursting?—I had nothing to do with the shells which we bought in the first place. I believe there were some complaints made with reference to the shells not bursting, from an imperfect fuse being used.

1194. Were those old fuses?—Some were old, and some were new.

1195. Were not the old fuses as good as the new?—I believe the old fuses were as good as the new, constructed upon the same principle. Since the introduction of the new fuse, there have been no faults found

1196. *Chairman.*] Who was the inventor of the new fuse?—I was the inventor of it.

1197. Colonel *Dunne.*] Was that a percussion fuse?—We employed all descriptions of fuse, except percussion fuse.

1198. Was the percussion fuse found to succeed?—Very seldom; it was not applicable for the particular service. The percussion fuse is intended to act against shipping; against earthworks it was of no use.

1199. I understand you to say that if peace came, and there was no use for it, you would be content to pitch the whole establishment into the Thames?—I meant as far as money was concerned; we should pay the whole of it by our manufactures.

1200. *Chairman.*] You mean to say that you have already saved so much by those establishments that you could afford to throw them away?—Yes.

1201. Colonel *Dunne.*] I understand you to say that you saved so much by the Government manufacture that this establishment, in fact, might be lost to the country without any pecuniary loss upon the whole transaction?—Yes.

1202. Mr. *Corry.*] Do you mean that the Government has already been reimbursed for the outlay of 55,000 *l.*?—Not as regards the shell foundry, because the shell foundry has not been finished. We had a small shell foundry for experiments, in order to prove whether we could do what we had stated we could do with reference to shells, and after the experiment upon the small shell foundry, which was very satisfactory, the Government determined to have a foundry that would supply all their wants; that is in the course of erection, and will be completed in a short time.

1203. Colonel *Dunne.*] That is the one that cost 55,000 *l.*?—Yes, it will.

1204. Will it be sufficient for the requirements of the country?—It will be sufficient for everything required in the army or navy.

1205. Do you mean to say that you could manufacture shells in this establishment so much cheaper than you could obtain them by contract, that the sum of 55,000 *l.* would be saved?—In one month, in time of war, if the requirements were very great, we should save the whole.

1206. *Chairman.*] What would have been the saving in the supply of shells for the Baltic Fleet?—I made a return of that; I think it was nearly 100,000 *l.*

1207. That is to say, that the saving upon the manufacture of shells, for the number of shells which were required for the Baltic Fleet, would have been more than 100,000 *l.*?—I think so; I have not a return; I am speaking from memory.

1208. Colonel *Gilpin.*] At the same time, you never have put this article to competition?—There was competition; every one who would make them was allowed to make them.

1209. Were there not two or three firms applied to?—In the case of shells, every one was applied to of respectability who could make shells. We were too happy to have them made by any one.

1210. Mr. *Liddell.*] Do not you imagine that the consumption of shells during the siege of Sebastopol was greater than ever was known in any warfare before?—I believe it was.

1211. Is such a demand for shells likely to arise again?—My opinion with regard to the case of Sebastopol is, that the number of shells was not one-fiftieth part enough; and that in any future siege we should use 50 times as many.

1212. Mr. *Muntz.*] Do you pay your workpeople by the day or by the piece?—In the cases of shells, which would be a common operation, we shall pay by the piece; but in the case of many other articles it would be impossible to do it.

Captain *E. M. Boxer*, R.A.

8 July 1856.

it. So much depends upon the quality of the article, that, considering the difficulty of testing it, and the fact of its passing through so many hands, and considering the urgent importance of doing it properly, I think that it would be hardly possible to do it by the piece. We pay the men so much a day; and I know from actual observation what a man can do if he works steadily; and we take off a certain per-centage, so as not to hurry them.

1213. Can you tell the quality of fuses by examination?—We can only tell the quality by taking a certain per-centage and burning them, in order to test them; therefore, unless you know that the whole operation has been carried out from beginning to end upon the true principle, you never can insure the article being good.

1214. Captain *Laffan.*] Were there or were there not great complaints made during the war of the fuses?—In the first instance there was great complaint made, and those complaints arose, not from the manufacture in any way, or from the fuses being old (because it was proved, many years ago, by an eminent officer, who made experiments with old and new fuses, that those which had been kept for a considerable time were just as good as the new), but from the defective principle which was adopted. Since they have adopted the new principle, most satisfactory results have followed, both in the Baltic fleet and at Sebastopol.

1215. Have you manufactured latterly all your fuses at Woolwich?—Yes.

1216. Do you know whether those fuses that were complained of were furnished by contractors?—No, they never were furnished by contractors. The fault was not in the manufacture, but in the principle of their construction.

1217. *Chairman.*] The old fuse was a bad fuse in construction, and the new fuse is a good one?—Yes, the fault was in the construction.

1218. Mr. *Liddell.*] Have you ever heard it stated that similar complaints arose with regard to the fuses in former wars?—It is difficult to find out what complaints were made in former wars. Some officers will tell you one thing and some another, according to the circumstances under which they were placed. I do not know of any official returns upon the subject. The failure may have been ascribed to a wrong cause.

1219. Mr. *Corry.*] Have you any contracts for the supply of coals for the use of the army?—None; we have nothing to do with coals.

1220. Are you the surveyor of coals?—No.

1221. In what department does the survey of coals lie?—I believe in the store branch.

1222. Mr. *Muntz.*] Who was the contractor who furnished you with bad mouldings?—It is hardly fair to give the name without being positive about it.

1223. What was the fault in them?—The fault in them was, that they broke and let the metal through; we used sometimes ten a day.

1224. Was that the fault of the material or the fault of their being improperly made?—The foundry gave me more trouble than anything, as I could not get out a sufficient quantity of castings; I was constantly myself in the foundry.

1225. Do you use them for day, or day and night?—It depends upon the work I have to do; at that time we worked them day and night.

1226. How long did those faulty mouldings last?—Some of them did not last half an hour.

1227. Did you ascertain how it was that they failed?—They were made of bad clay; we now manufacture them ourselves.

1228. Are they difficult things to make?—No.

1229. How do you account for their failure?—Very likely at the place where they got the clay from it may have been bad.

1230. Colonel *Dunne.*] Some years ago a Commission decided what was the quantity of military stores necessary to supply England during the time of peace; has any arrangement of that kind been made as to shells?—I am not aware of any.

1231. How will you be guided as to the quantity which you will make in future?—We shall not make any now; we have sufficient in store.

1232. Have you a stock which you consider sufficient for the commencement of a war?—Yes.

1233. Did not you say that there is no great skill wanted in casting shells by the machinery that you use?—You require a skilful man to superintend the operation, and to see that it is properly carried out.

Captain *E. M. Boxer*, R.A.

8 July 1856.

1234. Do you extend that opinion to your castings?—Many castings we are obliged to give to skilful men to make.

1235. Do you extend it beyond shells?—I extend it to some other articles, but not generally.

1236. Were the contracts for iron for shells made by you?—As to the contracts for iron, I recommended that they should be made by the brokers, and we got it at a cheap rate.

1237. Does it require a superior kind of iron to make shells?—No; it is more upon the mixture that the quality depends; we use Scotch iron in a great proportion.

1238. Will any of the old guns answer for that purpose?—They form first-rate material for the purpose; that was one of the arguments put forward for our taking the manufacture into our own hands.

1239. Have not you an immense quantity of old iron guns?—We have an immense number out of service.

1240. Were not those guns sold formerly at low rate, and at a great loss?—I am not aware what their price was; they ought to have fetched a good price.

1241. Were not you aware that the price was 4 *l.* to 6 *l.* a ton?—I was not aware of that.

1242. Would it do to give that sum for shells?—It would depend upon the state of the market; of course you might get some iron for less than 4 *l.* a ton, if the market is low, and in all probability it will be low soon.

1243. Would there be a saving to the country in the use of those old worn-out guns by converting them into shells?—Yes; because we are obliged to use a certain portion of high-priced metal in mixture with the Scotch iron.

1244. Are not there many other contracts in your department also?—There are contracts for the whole of the raw material that we use, and also for buildings.

1245. Do not you think that an annual contract should be made between you and the persons who contract to supply you?—In some cases.

1246. Would not that plan be more convenient than if this matter were left to the Director-general of Contracts?—It would as far as delay is concerned.

1247. Would not there be delay as to the manufacture of articles contracted for to be delivered to you?—There might be delays.

1248. Would it not be better that each contract should be left to the head of the department for which the contract is made?—In my opinion it certainly would.

1249. The evidence you would give is, that you would prefer manufacture to contracts, as to special articles?—Yes.

1250. Should not those special articles be specified, so that the public should know what they are; is there any decision as to what special articles are to be manufactured?—I could give a list of articles at any future time; but almost everything is special in reference to the actual thing. There may be things required for the manufacture of an article which are in general use; but considering the article itself, almost everything is special.

1251. Those you would make yourself in the laboratory; should they not be known to the public, in order to put an end to any hope of competition for a contract to supply those articles?—I do not think there is much hope of that now.

1252. Is there not a great deal of machinery, in different parts of the country, which would be useless altogether if you took the manufacture into your own hands?—Yes; but it might be applied immediately in other ways.

1253. As far as those particular articles are concerned, that machinery would be of no use?—In such articles as shells it would be of no use.

Jovis, 10° die Julii, 1856.

MEMBERS PRESENT.

Mr. Monsell.	Mr. Brand.
Mr. Jackson.	Mr. Corry.
Mr. Muntz.	Colonel Smyth.
Colonel Dunne.	Colonel Gilpin.
Mr. Moffatt.	

THE RIGHT HON. WILLIAM MONSELL, IN THE CHAIR.

James Sutton Elliot, Esq., called in; and Examined.

J. S. Elliot, Esq.

10 July 1856.

1254. *Chairman.*] WHAT official position do you hold?—I am Superintendent of Army Clothing at Weedon.

1255. What are the duties attached to that office?—The reception from the contractors of all articles of clothing necessary for the army, and the inspection of them, and then the issuing them to the troops.

1256. Do you inspect all the clothing which is contracted for in Pall-mall?—Yes.

1257. And then you issue the clothing to the army?—I then issue the clothing to the army.

1258. Will you describe to the Committee the course that you take for the purpose of inspecting cloth?—There are six viewers, who are considered the lowest class of inspectors, in fact, they do the manual part of the inspection; they do what is called perch the cloth; I believe that is the technical name for it. It is held up before the windows in a strong light, an examination of the cloth is then made under the superintendence of the inspectors, who are the class above the viewers, and who are men who have been brought up in the cloth trade, and were appointed for the purpose.

1259. Mr. *Corry.*] What number of inspectors are there?—There are two inspectors and six viewers.

1260. *Chairman.*] Will you first describe the staff at Weedon, and then proceed to inform the Committee what the inspector's duty is, and the duties of each of the different parties composing the staff; confining yourself to unmade up cloth in the first instance?—There are three viewers of unmade up cloth.

1261. How are those viewers selected?—I cannot say much about their antecedents, for they were transferred to me from the Tower.

1262. Who is there over them?—There are two inspectors.

1263. How are those inspectors selected?—They were persons who sent in to the director-general of clothing applications for appointment, supporting those applications by certificates from wholesale woollen houses, and the selection was made from those which we considered to have the best and highest testimonials.

1264. Were those two inspectors employed in the same duties in woollen houses before their appointment that they now have to perform at Weedon?—They are competent judges of cloth.

1265. You have described the inspectors and viewers; is there any other staff for the purpose of viewing the cloth?—None in actual inspection, except labourers and measurers.

1266. Having described the staff which you have for viewing the cloth, will you describe how the cloth is viewed?—Windows are fitted up with large rollers, and the cloth is thrown over those rollers (this process is called perching); a man stands between the two folds of cloth, and sees the texture of the cloth by examination through the light; they can see the web of the cloth. In the case of

J. S. Elliot, Esq.

10 July 1856.

of scarlet cloth, one man stands behind and another stands in front, so that they can both see the face of the cloth, and judge of the texture at the same time; then, of course, the inspectors judge of the quality of the wool by their practical knowledge, and they test the colours by acids in the case of all except the scarlet cloth.

1267. Are you satisfied that that inspection is a sufficient one?—I think so.

1268. Are you satisfied that no cloth which is not equal to the pattern can be passed by that system, as being supposed to be equal to the pattern?—I am not a professed judge of cloth myself; but my conviction is, that the inspectors do their duty; and I do not think that any cloth inferior to the pattern is ever passed.

1269. How much cloth have you as yet received?—Up to the 30th of June, which perhaps is as near a date as I could have taken, we have inspected 333,800 yards of cloth.

1270. For what service was that cloth intended?—For various services; for making up great coats, and for trousers; and for the undress clothing of the army in India; those are the only three services for which we have inspected cloth; we have not commenced the inspection of cloth for the next year for the Line.

1271. Have you any means of judging as to whether that cloth has been sufficiently inspected?—The only means that I have of judging, is from the zeal and apparent intelligence of the inspectors, and their attention to their duties; I constantly go through the rooms myself, and see that they are present, and are superintending the viewers, and I see it also from their reports; the inspectors make a report to me, and certify the cloth in their report.

1272. You have given your account of the mode of inspecting cloth; will you mention what other articles are inspected at Weedon?—Soldiers' boots, to a great extent; there are again, six viewers of boots, and two inspectors, and every boot passes through the hands of some one viewer.

1273. Who are those viewers?—They were all sent to me from the Tower, but they are all working shoemakers.

1274. Who are the inspectors?—The inspectors are two persons, who were both of them in the trade in London, as shoemakers.

1275. What process is a boot put through in the course of inspection?—It passes into the hands first of all, of the viewers, who examine every individual boot, testing the strength of the sole, the quality of the material, and workmanship.

1276. The examination is not by an average, but each individual boot is examined?—Each individual boot is examined.

1277. Do you consider that inspection to be satisfactory?—I think that the boot inspection is very severe indeed, and highly satisfactory; almost the whole trade grumble at our being so severe. I will give an instance that may be interesting to the Committee, as to the number of boots that have been inspected, and the number out of that quantity that have been rejected, which will be somewhat of a test how the inspectors perform their duty; we have examined 200,121 pairs of boots, and I find that we have rejected 57,997.

1278. Can you give a similar statement with regard to cloth?—I can; we had inspected 333,800 yards of cloth, and we have rejected 20,054; although the examination may appear to have been very rigid, I think it has a very beneficial effect, for we are getting better boots in than we did when we commenced our duties.

1279. Do you find the same result with reference to cloth?—No, I have not had sufficient experience to judge; but when we get the supply for next year, we shall be better able to say.

1280. When will that supply be delivered?—It is beginning now; there has been a small quantity delivered in.

1281. Colonel *Dunne*.] As compared with the old boots, that is to say, the ammunition boots, which are in the service of the army, are not these boots to which you refer of a better description?—A great portion of that 200,000 I have just mentioned are ammunition boots.

1282. Were they in store?—No; they were supplies under the old contract.

1283. For which the men pay 8*s.* 6*d.*?—Yes; but latterly there was an order for supplying 50,000 pairs of superior boots, trial boots, which we have been examining;

examining; I should inform the Committee that the price of them was 8 *s.* 6 *d.* to the contractors.

1284. There were some boots sent down to Aldershot, which were issued lately; were they examined by you?—I have not seen a report of them; they were part of a number manufactured with a view to a trial, and I do not think they have been reported upon yet.

1285. Mr. *Corry.*] What is the average price paid for soldiers' boots per pair to the contractors?—The prices of a pair of ammunition boots have varied from 8*s.* 9*d.* to 7 *s.* 2*d.*

1286. *Chairman.*] You know the boots which it is proposed to introduce into the service; what is the price of them?—The trial boots vary in price, from 9*s.* 3*d.* to 10*s.* 6*d.*

1287. Colonel *Smyth.*] Do I rightly understand you to say that the trial boots cost 9*s.* 3*d.* per pair?—That is the contract price.

1288. Are not those to be served free of expense to the soldiers?—The trial boots, I apprehend, will be served in that way, and I suppose the soldier will be charged at the contract price; but that is not part of my duty.

1289. Colonel *Dunne.*] Is the soldier charged for that extra outlay in boots in any way?—No.

1290. Colonel *Smyth.*] You are aware that the soldier was charged 8*s.* 6*d.* for the old boots?—Yes.

1291. Mr. *Brand.*] Do I understand you correctly, that the public would be the loser of the difference between 8*s.* 6*d.* and 9 *s.* 3 *d.*?—Of course; the object is to get better boots for the soldiers.

1292. Colonel *Dunne.*] Are those contract boots ever charged to the soldiers?—No, unless he loses or wilfully destroys them.

1293. *Chairman.*] You have now described the course that you take in the inspection of cloth and the inspection of boots; will you proceed to the next article which you examine?—Great coats we may take next; we issue the cloth in the first instance; it is inspected in the first instance as cloth, and it is issued to the contractors, who make it up.

1294. Will you confine yourself to the reception of raw material?—I have nothing further to say as to that; I have already spoken as to the general inspection of cloth.

1295. Is there any other article that you receive and inspect that you have not yet described?—There is not any other unmade-up article.

1296. Will you now describe the course which you take for the purpose of having the cloth made up into clothing for the soldiers?—An order comes to me to issue a certain quantity of cloth for making up, say a certain quantity of great coats; those issues are to the contractor, for making up, and he returns it in a made-up state; it is immediately examined, first, to see that it is the same cloth that was issued, and next, to see that it is sewn in a proper way, and that the coat is an efficient one and fit to be issued.

1297. Who are the inspectors who inspect made-up clothing?—We have no inspectors for made-up clothing yet; we have applied to the Secretary of State to appoint one. We have viewers. There has not been a necessity just yet for it, because we have nothing but great coats to inspect, which is a very simple inspection. We did not inspect the Militia clothing which was issued this year.

1298. With respect to the Indian clothing?—I have not gone into that yet; the viewers are now employed in Mark-lane in doing it.

1299. That clothing was inspected at the establishment of Messrs. Hayters & Howell, and not at Weedon?—Yes; I am obliged to come up occasionally to see how the men are going on, and I always satisfy myself that they are doing their duty. The system has not come into full operation.

1300. Then, under the existing system, is made-up clothing always to be received at Weedon for inspection?—Always.

1301. Colonel *Dunne.*] It is sent to you at Weedon in the first instance?—Yes, in the first instance it is.

1302. Mr. *Corry.*] If you receive a piece of cloth at Weedon, it is sent up to London to be manufactured into clothing, and returned to Weedon afterwards, for the purpose of inspection?—Yes, for further inspection, and to be issued.

1303. *Chairman.*] Is there any reason to believe that it will be sent to London to be made up rather than any other place?—Certainly not; a great quan-

J. S. Elliot, Esq.

10 July 1856.

tity was made up in Ireland, both of the militia clothing and the Indian clothing.

1304. Colonel *Dunne.*] Do you know the cost, per suit, of making up the clothing; what was the contractor's price?—There were various prices, because the contractors competed. I have a return of the contractors' charges for militia clothing for the infantry.

Vide Appendix.

1305. Will you put that in?—(*The same was put in.*)

1306. Colonel *Gilpin.*] Does that return include the expense of making up the new tunic?—The tunic we had supplied was merely for the militia, and it was all supplied made up.

1307. Colonel *Dunne.*] What was the expense of making it up?—I cannot tell what the expense of making up the new tunic may be exactly.

1308. Colonel *Gilpin.*] You have not yet tried?—A contract has not yet been entered into for making it.

1309. *Chairman.*] Have not you tried it for the Indian clothing?—That was a mere shell jacket. I have, in another return, the prices charged for making up the clothing of a regiment in India, which will include the shell jacket and trousers, that are being now inspected.

Vide Appendix.

1310. Will you put it in?—(*The same was put in.*)

1311. Colonel *Gilpin.*] There are various contractors, are not there?—Yes. The cost of making a private's jacket is only 2*s.* 1*d.*

1312. That is the shell jacket?—Yes.

1313. Does that include making and lining?—Making and lining. The prices of the contractors vary; they are 2*s.* 1*d.*, 2*s.* 6*d.*, and 2*s.* 4*d.*; those are the three prices.

1314. Did you take the lowest?—I do not know; I had nothing to do with the acceptance of the contract.

1315. You have not the cost of making up the tunic?—No; because we have not had the tunic made up.

1316. What is the cost of making up the trousers?—One shilling and two-pence, 1*s.* 3*d.*, and 1*s.* 4*d.*

1317. That includes finding lining into the bargain?—Yes. From this you may arrive at the price of the jacket in a moment; because the Indian red cloth was 5*s.* 3*d.* a yard, and a yard of cloth and a little more will make a shell jacket.

1318. Will you tell the Committee what is the cost of the cloth for the trousers per yard?—Four shillings and seven-pence, 4*s.* 7½*d.*, 4*s.* 8*d.*, and 4*s.* 9*d.* per yard, and one yard and a quarter will make a pair of trousers.

1319. Mr. *Corry.*] Have you the means of informing the Committee what has been the cost, up to the 30th of June, of the carriage of the cloth; first, of the carriage of the raw material to Weedon, and then of the transmission of the raw material to the manufacturer, and then of the return of the made-up clothing from the manufacturer to Weedon?—I cannot tell that. The contract is so formed that the contractors send the cloth free of expense to the department; and, again, the contractor who makes up the clothing sends it free of charge to Weedon.

1320. Mr. *Brand.*] How do you ascertain that the cloth, which is made up into a garment, is the same which you sent to the manufacturer?—In the case of the great coat cloth, which is the great bulk of what we have hitherto issued, we stamp every quarter of a yard of cloth. After it is inspected it is then stamped; we did not do that with this undressed cloth for the Indian army, for we had just commenced at Weedon, and I was informed by the viewers at the Tower, that it had never been the practice (and I believe it had never been the practice) to stamp scarlet broadcloth; it was considered to be liable to injury if that was done; however, I intend to endeavour to do it with the new cloth we are going to issue.

1321. Is stamping an expensive process?—No; there is only the expense of the white lead, and the stamp with W. D. upon it.

1322. Colonel *Smyth.*] Will you tell the Committee when the cloth for the East Indian regiments was inspected; was it last year?—No, this year, in February or March.

1323. Was not the clothing made from that cloth found to be inferior in quality

lity to the rest of the cloth supplied to the regiments serving in India?—I think it was.

1324. Was not it rejected accordingly?—A great deal was positively rejected by me; about one-fifth of the whole supply was rejected.

1325. After being made up?—No, in the first instance.

1326. After being made up, was not it found to be bad?—Certainly it was inferior to what was generally called the Indian cloth. I think it decidedly inferior.

1327. What became of the clothing which was made up of that bad cloth?—It is under inspection now; I do not admit that it is bad cloth, but it is inferior to what, I think, was the general supply of cloth to the troops in India, but it is superior to the sealed pattern that was furnished for our guidance.

1328. *Chairman.*] Can you state who that sealed pattern was supplied by?—When the Director-general of Clothing took up the department, as I may call it, there was no sealed pattern of Indian cloth handed over to him from the Board of general officers, but there was a sealed coatee, the cloth of which was a good test of what the cloth ought to be. This coatee had been supplied by Mr. Gilpin's house, and the Director-general sent to Mr. Gilpin to ask him to furnish him with a pattern of the cloth that he was in the habit of supplying to the troops in India, and he sent this pattern, and it was sealed accordingly. There can be doubt but that that piece of cloth was very inferior to what I have seen of the Indian supply.

1329. Was it inferior to the pattern of the coatee you spoke of?—I think it was inferior.

1330. Mr. *Brand.*] Was the pattern sent by Mr. Gilpin himself?—Mr. Gilpin sent the piece of cloth.

1331. Colonel *Dunne.*] Who supplied the clothing that was inferior?—We got the cloth ourselves; I am speaking of the undressed clothing of our Indian regiments.

1332. Then the Government supplied a worse article than the Indian army were in the habit of receiving?—Yes; but it was better than the sealed pattern.

1333. The sealed pattern was a coatee, and not a shell jacket?—Yes.

1334. Is the same cloth invariably used for a coatee as for a shell jacket?—I do not know; I have not had experience with the supply of it.

1335. *Chairman.*] I presume that your business was simply to see that the cloth which was received at Weedon was equal to the pattern; is not that so?—Certainly.

1336. And you state to the Committee your deliberate opinion, that it was fully equal, and in many instances superior to the pattern?—We found ten-twelfths of it superior to the pattern, and all was equal to it.

1337. Colonel *Dunne.*] Did not you receive a sealed pattern, which you understood came from the Board of Clothing?—It was sent to me by the Director-general of Clothing.

1338. Have you received any other piece of cloth as a pattern for that clothing?—I only received one pattern; that piece of cloth.

1339–41. Was that what you had from the Director-general of Clothing?—Yes.

1342. Was it sealed?—Yes.

1343. Was it sent to you as a guide for the inspection of cloth?—Certainly.

1344. Was the clothing that you inspected equal to the pattern?—It was superior to the pattern.

1345. But you had no reason to know further than from its being sent from head-quarters, that it had been approved of, except by head-quarters?—I could not doubt that it was right; it came from my own superior officer.

1346. He sent you, in fact, an inferior piece of cloth as a guide?—I cannot say that it was inferior, unless I know what to compare it with.

1347. Positively, was it bad cloth?—It was not bad cloth, I think; there are degrees in cloth, the same as in anything else; and some are superior to the others.

1348. Mr. *Corry.*] On the return of the clothing to Weedon is it examined as to the quality of the workmanship, or merely as to the identity of the cloth?—It is examined as to the quality of the workmanship also.

J. S. Elliot, Esq.

10 July 1856.

1349. Have you an establishment of inspectors and viewers competent to judge of the quality of the workmanship?—Yes. There are two viewers who are tailors, and well qualified men.

1350. Are you satisfied as to the general competency of the inspectors and viewers in your department?—I am. I think they are competent.

1351. Do you think that the salaries paid are sufficiently large to insure the services of efficient men?—I do not think they are sufficiently large, and I only keep the men there by holding out a promise that their salaries will be increased (which I trust they will be) next year.

1352. What are the salaries of the inspectors and viewers at Weedon?—I consider the viewers as mere artisans; one of them has 7 *s.* a day; there are others who have 4 *s.* 6 *d.*, and others 3 *s.* 8 *d.* a day.

1353. What additions would you suggest to their salaries?—I would not give the viewers less than 5 *s.* a day.

1354. What should the highest salary be?—I think 7 *s.* is enough for viewers; there happens to be one who has 7 *s.*; I think that is sufficient.

1355. With respect to the inspectors, what are their salaries?—One inspector gets a salary commencing at 300 *l.* a year, and increasing to 350 *l.* by 10 *l.* annually; another gets a salary commencing at 200 *l.*, and increasing to 300 *l.*; the salaries of the rest commence at 100 *l.* and go to 190 *l.*

1356. Do you think that scale of pay insufficient?—Quite insufficient.

1357. What scale would you give?—I would put each inspector at his maximum and let him increase from that. I would not have an inspector at a salary under 190 *l.* or 200 *l.*, increasing to 300 *l.*

1358. What would you give to the second class?—I would give them 300 *l.*, increasing to 350 *l.*, and then I would have one chief inspector, whose salary should go from 400 *l.* to 450 *l.*; everything depends upon the honesty of the inspectors.

1359. *Chairman.*] Will you put in a return of the establishment at Weedon?—Here it is; that includes every name but my own. (*The same was put in.*)

Vide Appendix.

1360. Mr. *Corry.*] Can you tell the Committee what you paid per yard for the cloth for the soldiers' great coats?—I am afraid that my returns do not go into the great coat cloth, but I think it is about 4 *s.* 5 *d.* a yard.

1361. Is the present great coat cloth of a quality superior to the old great coat cloth?—I think it is, from my memory as an Ordnance storekeeper.

1362. Colonel *Smyth.*] Have you anything to do with the tenders for the purchase of cloth?—Nothing.

1363. Can you tell the Committee whether there are any samples given to the parties who supply the cloth?—No; I know they are told that they can see samples of the cloth in Pall Mall at the War Department, and they go there and see them.

1364. A sealed pattern of the cloth is kept at Pall Mall?—Yes. When a pattern is decided upon, it is sent down to me at Weedon, in order that the specification for the cloth may be drawn up by my inspectors, and I send it up to Pall Mall, where the tenders are called for.

1365. *Chairman.*] Have you a specimen of the new cloth?—Yes. I am very desirous of laying it before the Committee; I have here a specimen of Mr. Hiebbert's supply for the Militia clothing. This specimen, which I produce, is part of the clothing of the Lancashire Militia.

1366. Was that supplied by your department?—No. The next is Mr. Dolan's supply.

1367. Will you hand those specimens in to the Committee, and also a pattern of the clothing which is now to be supplied to the Line?—I will. (*The same were put in.*)

1368. Colonel *Dunne.*] Is this a sealed pattern?—It is part of a sealed pattern. I obtained that piece of cloth, the present pattern of the Line, at Pall Mall on my way here, as I thought the Committee would like to see it.

1369. Colonel *Smyth.*] Is not that what is called drummers' cloth?—Yes; this is the pattern of the intended supply.

1370. *Chairman.*] Is the cloth you have now handed in the cloth from which the clothing of the army for next year is to be made up?—Yes, this last handed in.

1371. Colonel

1371. Colonel *Dunne.*] Has the Militia clothing always been like this specimen?—The Militia clothing has varied very much indeed.

1372. Colonel *Gilpin.*] This is now the future pattern for the army?—Yes.

1373. Do you consider that the patterns which you have produced are specimens of what was formerly used for the clothing of the Militia, and also for the clothing of the Line?—Yes.

1374. Colonel *Dunne.*] Are the prices of the cloth the same?—No; the present patterns are much dearer than the old cloth.

1375. What is the difference of price?—The drummers' cloth is 8*s.* 6*d.* or 8*s.* 9*d.* per yard.

1376. That cloth which you call drummers' is what was formerly furnished to the drummers of a regiment?—I think so; it is rather better than that.

1377. As to the patterns; the pattern which is adopted by Government is lodged at Pall Mall?—Yes.

1378. The contractors then send in specimens, which are compared with the patterns?—Yes.

1379. And those patterns are then sent down to the inspectors at Weedon?—Yes.

1380. That is, part of their own cloth, which is equal to the sealed pattern?—Certainly.

1381. Therefore, in fact, what the viewers receive is part of the cloth which each contractor sends in with his tender?—Yes.

1382. Therefore, in fact, you compare the cloth with patterns that the contractors have themselves put in with their tenders?—The cloth actually viewed when sent in as a supply to me at Weedon is identical with the pattern which the contractor sends in to the department at Pall Mall when he is making his contract.

1383. *Chairman.*] Of course it depends upon whether the contractor keeps to the contract or not; if the contractors send in bad cloth it is rejected?—Yes.

1384. Colonel *Gilpin.*] Is the Committee to understand you to say, that the cloth which you have now produced here, and which you state to be of a superior description to what is called drummers' cloth, is henceforth to be the cloth used for the army?—Yes.

1385. And that that is to cost from 8*s.* 6*d.* to 8*s.* 9*d.* per yard?—Yes.

1386. Did not you state in the earlier part of your evidence, in reference to the clothing that had been furnished for India, that the cost of that clothing was only about 5*s.* 3*d.* a yard?—Yes.

1387. And that one yard made a shell jacket?—Yes.

1388. Did you supply to the Indian army an inferior article to what you propose to supply to the Line?—Very inferior.

1389. You have not used this cloth at all yet?—No; we are only now receiving a contract for that.

1390. Mr. *Corry.*] Can you give us any comparison between the cost of the old cloth and the new cloth?—The new costs 8*s.* 6*d.* and 8*s.* 9*d.* a yard, and the old cost 5*s.* 9*d.* a yard.

1391. Colonel *Dunne.*] Could you put in a paper showing the difference of price?—I am afraid I have not one.

1392. In your calculation of the additional expense of the new clothing, have you put the cost of the carriage to and from Weedon, and the cost of the entire inspecting establishment at Weedon?—No, certainly not; the carriage does not come into consideration, because it is paid for by the contractors; they send the cloth to us.

1393. Are not they allowed more for the cloth in consequence of that?—They add it to their price, no doubt.

1394. Then it is taken into consideration indirectly?—Yes, so far as that goes.

1395. Do you take into consideration the cost of the establishment at Weedon, and the payment of the officers there?—If we take the whole expense of the department at Weedon at 10,000*l.* a year, the amount would be very inconsiderable when it comes to be divided among probably 200,000 suits of clothes.

1396. Could you put in a statement, taking all those expenses into consideration, of the cost of the soldiers' clothing now as compared with the cost of the clothing before the new system came into operation?—I could, certainly; it would be an easy calculation.

J. S. Elliot, Esq.

19 July 1856.

1397. Will you make it?—I will.

1398. *Chairman.*] Will you state to the Committee which costs the most, the old soldiers' clothing, made of bad cloth, or the soldiers' clothing which is now going to be made up, made of the drummers' cloth which you have put in?—I think that Mr. Ramsay has much better information upon that subject than I have; my duty does not run so far into that part of the question; still I have some little information upon it; I know that the cost of the old tunic to the contractor used to be something like 20 *s.*, and I think it will cost us 22 *s.* 6 *d.*, of this superior cloth; then we shall make up the difference upon other articles; we shall make the trousers cheaper than the clothiers, and we shall get the shako cheaper than the clothiers.

1399. Do you consider that, upon the whole, the clothing now supplied, being of a better quality than the old clothing, will be supplied to the public at a price not greater than that at which the old clothing was supplied?—I think so, certainly.

1400. Colonel *Gilpin.*] Do you inspect the trousers for the Land Transport or the Artillery?—We have not yet.

1401. You have nothing to do with that?—Nothing as yet.

1402. Mr. *Corry.*] Could you put in a specimen of the old great coat cloth, and of the great coat cloth about to be issued to the army?—We are not making any special supply of great coats now; we have not pretended to make any difference in the great coats so far, but I think, from what I have seen myself, that the cloth that is furnished at Weedon is better than the old cloth.

1403. Is it a good cloth?—It is a good substantial cloth.

1404. Colonel *Dunne.*] Is not there a difference of price between the cloth used now for great coats and the cloth which used to be used?—I think not in the price of the great coats.

1405. Are not you aware that there is a larger allowance for great coats now than there used to be?—The cloth is about the same price as it used to be.

1406. You stated in your evidence that you inspected 200,121 pairs of boots; since what period have they been inspected?—We opened the depôt on the 8th of December, and they have been inspected since that period.

1407. Were all that were in store then issued?—A great many were issued.

1408. Since the 8th of December?—Yes; the whole of those issued to the militia came from our depôt.

1409. Have not those 57,997 pairs of boots that you rejected been replaced?—Yes, they have been replaced by the contractors.

1410. Are you aware of any complaint having been made from a regiment of militia of the boots, after passing your inspection?—Not of our own boots.

1411. Have there been complaints of any of those 200,121 pairs?—In two or three instances the colonels complained that they found a bad boot here and there out of those which were issued from Weedon during the last two or three months.

1412. Were there any other boots issued to the militia, or any other corps of the army, besides those which came from Weedon?—When we first began to issue to the militia, we acted upon the principle that what was longest in store should be first issued. I sent out what was given to me from the Tower, and upon the representation of my inspectors, who said that what we were beginning to issue were so bad, and so discreditable, that they were a discredit to the establishment, I stopped the supply.

1413. Were there any objections to what were issued to the regiments?—I cannot say particularly.

1414. Would you be cognisant of those objections if they existed?—Yes; sometimes the commanding officers write to me, and sometimes to the Director-general of Clothing.

1415. Is there any department to which the commanding officer can communicate upon this subject?—He communicates with the Director-general of Clothing.

1416. He is the special authority appointed for the army?—Yes.

1417. Has any one taken any pains to find out how those boots were issued which were so bad?—Most certainly. If a complaint proceeds from a commanding officer as to any articles supplied from Weedon, the matter comes to me, and I make the closest possible inquiry.

1418. Therefore, if there had been any complaints they would have come to you?—Yes.

1419. Have

1419. Have there been any such complaints?—In a few instances there have.

1420. Were any steps taken to recompense the soldiers in those cases?—Invariably. Whenever an objection was made that the boots were of a bad quality, as far as I can recollect, we have exchanged them.

1421. Did the regiments in these cases send the boots back to you?—Yes.

1422. What was done with the boots?—They were invariably found to be from the former bad supply, and they were put with the bad supply again.

1423. Do they remain there still?—Yes.

1424. Were there any objections to what you call your own boots, that have passed your inspection?—I think not. At the same time I think that in large supplies (probably the supply to the whole militia was 70,000 or 80,000 pairs of boots), with the most rigid examination, a few bad boots may turn out. I recollect one colonel writing to me to know what he should do with *one* bad boot; all I could say to him was, that if he sent it back we would send him another pair.

1425. Colonel *Gilpin.*] Could you put in an account of the number of complaints that have been made, stating the regiments and the officers who have complained?—Certainly; the register of the correspondence would give that readily.

1426. Will you put in an account of that?—Yes.

1427. I believe that the ammunition boots that you refer to, that were returned from the militia, were not boots with solid soles, but that the soles were made up of leather shavings; was not that so?—That is exactly the difficulty which we have to contend with; our inspection constantly runs into leather shavings.

1428. And the consequence was, that they were not calculated to wear so well as they would otherwise have done?—That is my opinion, although one contractor declares that the best boot that can be made is one made with leather shavings.

1429. Is the issue for the army to be made with solid soles, or are the soles to be made of leather shavings?—We are binding them to solid soles.

1430. Colonel *Dunne.*] Those are the terms of the contract?—Those are the terms of the contract; we reserve to ourselves, or rather the Director-general of Contracts reserves to us, the right of opening a certain number of boots, which has been always done. The boots are taken up promiscuously, and if there are found to be leather shavings in them, we reject the boots immediately.

1431. Have you raised the price of boots to the contractor?—We are giving a larger price only for trial, to see what is the best boot we can get.

1432. Is that to prevent your getting the boots made of a bad quality, which a low contract was likely to produce?—Certainly; and to secure a better boot for the soldier.

1433. And, therefore, you think it better to give a larger amount for the boots?—Yes.

1434. As to the great coat cloth, is it the same cloth that was formerly used in the army, or is there any alteration in it?—I am not aware as to that.

1435. Did you get any sealed pattern for the great coat cloth?—For the present great coat cloth we have a sealed pattern.

1436. Is that sealed pattern different from the old pattern?—I have never examined the old pattern.

1437. Could you get information upon that point?—Certainly I could.

1438. How much do you allow for the great coat cloth?—Three yards.

1439. What is a great coat charged to the soldier if he loses it?—14 *s.* 6 *d.* the Line; 17 *s.* 6 *d.* the Artillery.

1440. Are you aware whether the same price was charged before?—I do not think there is any alteration in it.

1441. Is the cloth for the great coats received in the same way as the cloth for the soldiers' tunics?—Yes, and inspected in exactly the same way.

1442. And then issued to be made up?—And then issued to be made up.

1443. Do you recollect the amount charged for making up a great coat?—The contractors are Messrs. Clark & Stephens; I think it is 1 *s.* 4½ *d.*

1444. To what date does your own experience in these matters go back?—My experience of the army clothing goes back to December last.

1445. And before that time you know very little of the former clothing of the army?—Very little indeed.

J. S. Elliot, Esq.

10 July 1856.

1446. Are you aware of any of the arrangements in the French army as to this matter?—No.

1447. Do you know anything of the system of inspection in the French army?—I have read of it, but I do not know anything of my own personal knowledge about it.

1448. Mr. *Muntz.*] Did not you state in the early part of your evidence that you were not cognisant yourself of the mode of inspection, but that you relied upon the inspectors?—I am perfectly conversant with the mode of inspection, but I do not pretend to be a professional judge of the articles which are inspected.

1449. Supposing that any of your inspectors should not do their duty, or should exceed their duty, what mode of correction have you?—In the first place, I am obliged to put a good deal of confidence in the senior inspector, who is better paid than the rest and better qualified; every inspector's report is signed by him, so that he is accountable for it as well as the junior inspector who passes it.

1450. What do you do yourself?—My duty is to superintend the army clothing depôt generally.

1451. Your duty is not confined to inspection only?—My duty is not confined to inspection only, that is a branch of my duty.

1452. Is the head inspector responsible to you for the proper inspection of the articles committed to his charge?—Yes.

1453. Have you ever heard any complaints of their exceeding their duties?—I have; particularly from the bootmakers.

1454. Have you heard of any complaints with regard to cloth?—I have had no complaint of their exceeding their duty with regard to cloth.

1455. Have you had complaints of deficiencies in the performance of their duty?—No, I have certainly not heard of any.

1456. You depend upon your inspectors to report to you whether the work is done properly?—Yes; there is the same machinery as there would be in any other department; the head of the department must rely on those who are under him.

1457. Is not it generally the practice that the superintendent of a department understands the whole routine, and is able to judge whether it is done or not?—There is a superior inspector who reports to me. If he saw a laxity in the performance of their duty in any of the other inspectors, he would state that to me, and I should have them brought before me, and I should have it sifted to the bottom; and if I thought the man was wrong, I should report him to the Director-general of Clothing, and I have no doubt that he would be summarily dealt with. I have, of course, a general knowledge of the routine of inspection.

1458. Supposing the senior inspector were not what he ought to be, how would you get rid of him?—In that case I should soon have complaints from the contractors or the troops, and I should get to the bottom of the matter.

1459. There would be no other mode in which you would know of it?—No; but if any cloth were improperly rejected, the contractor would instantly appeal to me, and I should give him an opportunity of proving his case. In some cases contractors have come to me and asked to have the reasons why a rejection has taken place explained to them, and I have explained it to them, and they have generally gone away satisfied.

1460. *Chairman.*] Supposing the cloth that was passed were not of a sufficiently good quality, how should you find it out?—I should have a complaint from the person who made up the clothing, or from the regiment.

1461. Mr. *Corry.*] Would not it be impossible to procure the services of a superintendent professionally acquainted with the various descriptions of clothing inspected at Weedon?—I think it might be possible, but not probable.

1462. Could you obtain a superintendent who would have a professional knowledge of cloth, of clothing, of boots, and of the various other articles inspected at Weedon?—I do not think you could expect any superintendent to know every branch; he cannot be a bootmaker, a tailor, and a cloth-maker, and a maker of knapsacks, and some 10 or 20 different trades; it would be impossible to get a superintendent to know all of them.

1463. *Chairman.*] You are the administrator of the department, and under you there are persons skilled in the different branches of it?—Yes.

1464. Mr. *Moffatt.*] Would not it be possible that a person holding your situation should be able to judge whether those articles which you have enumerated were of good quality or not?—I think that I am quite sufficient for that.

I should

I should wish to be aided by people who have been professionally brought up to their different avocations; but still I can form an opinion as to whether the soldiers' clothing is good or not. *J. S. Elliot*, Esq. 10 July 1856.

1465. Do you ever make an official inspection of the clothing in order to ascertain its quality, or do you rely exclusively upon the report of the inspectors?—I do it daily and hourly myself.

1466. Have you anything to do with the making of the contracts for the supply of clothing?—Nothing whatever.

1467. You know nothing whatever of that?—Nothing.

1468. Can you inform the Committee what becomes of the boots which you return to the contractors as being of an inferior quality?—I suppose they throw them into the market, and sell them in the best way they can.

1469. Do you know that they do so?—No.

1470. Mr. *Brand*.] Are there any marks made upon the cloth or boots to show whether the inspector has examined them?—I have established a system now by which every accepted boot is stamped with the initials of the viewer. I thought it was a good check upon the man; so that now, if bad boots found their way to a regiment, and were complained of by the commanding officer, I should know who was the viewer that had passed them; every approved boot is stamped with the viewer's initials.

1471. Do you adopt that practice with regard to cloth also?—It is impossible; I do not know how I could do it; the cloth is cut up into so many pieces, that it would be impossible to do it; we could not find out afterwards to whom it belonged.

Samuel Petrie, Esq., called in; and Examined.

1472. *Chairman*.] WHAT is your official position?—I am Director-general of the Commissariat. *S. Petrie*, Esq.

1473. What course is pursued in the purchase of Commissariat supplies by the War Department?—As a general rule, all supplies and services required by the Commissariat are obtained by contracts, the result of competition.

1474. Mr. *Corry*.] Are the contracts advertised?—Yes.

1475. *Chairman*.] Have all parties who may be desirous of competing an opportunity of sending in tenders?—Advertisements are published in the newspapers, both of the capital and the district, and occasionally handbills are sent round to apprise parties who are likely to compete, that they may have an opportunity of sending in their tenders.

1476. What security is taken that no alteration is made in the tender before the contract is assigned?—There are always two officers, independent of each other, present at the opening of every tender, and as soon as it is opened, the initials of each officer are affixed to it, which is a security that no alteration is made in it afterwards.

1477. Is the lowest tender always accepted?—Generally, but not always.

1478. Under what circumstances is it not accepted?—If there is reason to believe that the article can be obtained, or the service performed, at a cheaper rate without resorting to competition, the whole of the tenders, including the lowest, are rejected. If there is reason to believe that the securities of the party tendering are not sufficient, then the lowest tender is rejected. If there is reason to believe that the party tendering is not able to fulfil his contract, and if the next lowest is able to fulfil his contract, the lowest is rejected; but in every case of the rejection of a tender an explanation is required.

1479. Have the officers of the Commissariat in each locality the power of rejecting any tender without any reference to a superior authority?—Yes, in each command abroad, subject to the approval of the officer commanding the troops. The senior Commissariat officer submits to the commanding officer his reason for recommending the rejection of a particular tender; and if the commanding officer concurs in that recommendation, the tender is rejected, and the circumstances are reported home for final approval.

1480. When two or three tenders are sent in at the same rate, what is done?—Some consideration is given to the circumstances of the two tenderers. If one man has better security than another, he is preferred; if one man has previously entered into a contract, and performed it satisfactorily, he is preferred; but

S. Petrie, Esq.

10 July 1856.

but some reason must be assigned for the preference, in order to justify it, and to show that no partiality has been displayed.

1481. For what periods are contracts entered into?—Abroad they are generally for a twelvemonth, but there are cases in which they are for a longer period; such, for instance, as fresh meat contracts abroad, in which it is necessary to establish agencies, and incur large expenses in the purchase of vessels, &c., to import cattle; the contracts for those services are extended to three years; and there are some few other services of the same kind. But as a general rule, the contracts are renewed annually.

1482. Can you give any instances of the triennial contract which you refer to?—Yes; the fresh meat contract for Gibraltar, the cattle being imported from Morocco, is a triennial contract; also the fresh meat contract for the West Indies, the cattle being imported from Venezuela or Porto Rico, and the contract for fresh meat for the Ionian Islands, the cattle being derived from the Principalities.

1483. Is it the practice of your department ever to allow contractors any compensation for loss incurred in the execution of their contracts?—Generally speaking, not; it is considered of essential importance to hold the contractor to his contract, and unforeseen circumstances, which are nevertheless not of infrequent recurrence, are considered to enter into the ordinary commercial speculation of the contractor, such as a deficient harvest, a combination among workmen, and contingencies of that kind, which diminish or absorb the profits. But there are some cases in which compensation is admitted, after communicating with the Treasury, whose authority is applied for in all those cases; such, for instance, as the sudden and unexpected breaking out of war, extensive inundations, or an extensive fire; exceptional cases of that description are considered favourably. There is also another class of cases of contracts, where the contractor is bound to keep a depôt for the execution of his contract. The ordinary run of contracts is that the contractor shall supply such quantities as may from time to time be required, and he has the particulars also of the average strength to be rationed; but it may happen that the troops are materially diminished in the course of his contract, or entirely withdrawn; and in that case, especially in the event of their being entirely withdrawn, compensation is generally allowed to him to the extent of the actual loss which he is proved to have sustained in disposing of his depôts.

1484. Colonel *Gilpin.*] You state that you always put up those things to public competition, but that you do not always accept the lowest or any of the tenders; are those exceptions of frequent occurrence?—Not of frequent occurrence.

1485. *Chairman.*] The chief duty of the Commissariat, of course, is to supply food for man and beast; do they abroad enter into contracts for any other services?—They enter into contracts not only for army, navy, and convict services, but for all services required by the Government; for other services than their own, however, their duty is simply to enter into the contracts, and to see that the different rules and regulations are abided by. There is always, upon those occasions, an officer of the department concerned present at the opening of the tenders, who must give a concurrent recommendation for the acceptance of a particular tender. Sometimes the same contract embraces more services than one; for instance, the fresh meat contract is for the army, navy, and the convicts at Bermuda; and a naval and a convict officer are present, as well as the Commissariat officer; and join in the recommendation for the acceptance of the tender, the schedule being signed by the officer commanding the troops for the army, by the officer commanding the naval forces for the navy, and by the governor of the colony for the convict service.

1486. With regard to those other services, for instance, works and buildings, and all services except food for man and beast, which it is the special object of the Commissariat to provide, are the same principles followed in making the contract?—Precisely.

1487. That is open competition, and the lowest tender is received, unless there is some reason for rejecting it?—Yes.

1488. Is the contract system extended to sales by the Commissariat?—Yes; the most important of them being sales of Treasury bills. No Treasury bill can be sold without going through almost the same processes as are followed in obtaining supplies of food. The advertisements are circulated by the senior

Commissariat

Commissariat officer stating that tenders will be received for cash in the current coin of the country in exchange for Treasury bills. But there are other things, such as the hides and offal of cattle, empty packages, and stores not wanted, that are liable to accumulate, which are disposed of to a contractor, who, as the result of competition, is willing to take, from time to time, the surplus quantity that may have accumulated.

1489. If, from any reason, there are difficulties in entering into a contract, what proceedings are adopted to procure the supply that may be required?—The Commissariat officer has full liberty to go into the market and get the article in the best way he can; but he is instructed to establish the price to be paid by taking a tender for the article in writing, and he then obtains the approval of the officer commanding for its acceptance. It may happen that he must make the purchases without tender. An army in the field may be the best instance of that, and in such case he makes the best purchases he can, and supports the charge as to the reasonableness of the price by a certificate signed by two merchants, or he occasionally employs an agent, and allows the lowest customary commission. But those are the exceptions, the rule being, tender and contract, if it is possible.

1490. What steps do the Commissariat officers take to ascertain the characters of the persons tendering for the different services that they have to supply, and also of their securities?—As to the securities, they make the best inquiry they can from the bankers or from the parties best able to inform them; but they must get information. If the information with respect to any one is not satisfactory, it is a sufficient reason for at once rejecting his tender.

1491. As I understand your answer, the inquiry is directed rather with regard to the solvency and sufficiency of the securities than to the character of the contractor; is that so?—Both are inquired into; the character of the contractor enters largely into the question. If the Commissariat officers have had experience of the party, by his having previously been a contractor, and not having performed his contract, that may be a reason for rejecting his tender, if he had so decidedly failed to fulfil it as to show that he was incompetent to fulfil his contracts in future, and it would be so considered.

1492. Does your experience lead you to believe that the system which you have now described works well?—I believe it works most admirably; it enlists commercial enterprise into the public service, and obtains for the Government supplies of a proper quality, and at fair market rates. I believe that to be the effect of public competition.

1493. Mr. *Corry*.] In the case of articles of which samples could be sent in, is the party tendering required to send in samples of articles tendered for?—There are scarcely any Commissariat supplies that are the subject of samples.

1494. Mr. *Muntz*.] Were there any samples sent of the preserved meat?—The preserved meat was provided by the Admiralty. We took advantage of the naval establishments for that purpose; and the victualling officers of Deptford yard inspected the meat before it was sent out.

1495. Mr. *Moffatt*.] Is the system that you have mentioned adopted both at home and abroad?—That system is adopted both at home and abroad.

1496. How long has that system been in use?—The system abroad has been in use for a long time, I may say, 50 years, with perfect safety; it may be more than that probably. The system at home has been partly for the troops to supply themselves with provisions under regimental contracts. It was different in England from what it was in Ireland. In England the late Ordnance Department entered into contracts for the supply of bread and meat to the troops; but in Ireland the troops supplied themselves by regimental contract. When the stoppage was reduced from the maximum of 6 *d.* to a fixed rate of 4½ *d.*, in order to enable the soldier to obtain an evening meal, it was thought that as the cost would exceed 4½ *d.*, the Government was bound to enter into all the contracts, and the duty thenceforth devolved upon the Commissariat; but that is only within the last two years.

1497. Are we to understand that it is only within the last two years that the Commissariat have made the contracts for the supply of the troops in England?—Before the year 1835 the Commissariat made such contracts, but it is only within the last two years that the duty has been resumed by that department. The change was made in April 1854.

S. Petrie, Esq.

10 July 1856.

1498. Will you favour the Committee with the form of the contracts which you generally adopt?—I will give them in.

1499. Will you state to the Committee what is the general tenor of that form?—The general tenor of the form is, that the meat is to be of a certain quality, described in the contract; and bread also. If the supply does not come up to that quality, it is subject to be inspected by a Board of Survey, to be appointed by the commanding officer of the regiment, and then rejected, and a quantity to replace this rejection is to be purchased by the Commissariat, and charged to the contractors. When these difficulties arise frequently, I am in the habit of sending a Commissariat officer to inquire into the case, and to remove the contractor's agent, if necessary.

1500. Does the contract contain any penalty for non-fulfilment?—Yes.

1501. What is the nature of the penalty for non-fulfilment?—It depends upon the extent of the contract; it varies in different districts.

1502. Is the scale of penalties fixed upon any per-centage rate upon the value of the contract?—No, it is established at a rate which is sufficient to induce the contractor to fulfil the terms of his contract.

1503. Does it frequently occur that you have to endeavour to obtain those penalties?—Very rarely.

1504. How many cases have come within your knowledge within the last 12 months in which you have had occasion to endeavour to recover penalties for non-fulfilment of contracts?—Not one in Great Britain; I am not aware whether there have been any abroad, There was one in Malta, about two years ago, in which a penalty was incurred of 3,000 *l.*

1505. Has that penalty been recovered?—Yes.

1506. The contracts carry a certain penalty; do you take security for the payment of that penalty, in case of the non-completion of the contract?—There is always in the hands of the Commissariat a sum due on supplies already furnished which is in itself a certain security. It occasionally happens that the surety undertakes to carry on the contract to avoid payment of the penalty.

1507. Can you suggest to the Committee any better mode of obtaining supplies by the Commissariat than that of public tender, which you describe to be the present system?—I believe that it is the very best; I am not aware that there can be any better. I should be sorry to see it changed.

1508. Have you ever found that in making any contract there has been a combination between the parties, who agree to tender at the same price?—We endeavour to avoid that, by making the competition as extensive as we can.

1509. For example, if you heard of a large dealer in any particular article that you required, would you think it your duty to send him a notice informing him that the Commissariat were requiring tenders for such an article, and inviting him to tender?—I would take care that he should have the means of knowing of such circumstance; we should send to him, either a public advertisement, or a special notice, if necessary.

1510. You have stated the course generally pursued by you if two contracts come in at the same price; do not you sometimes divide the contract between the two parties?—No.

1511. Do you find an advantage in always keeping a contract for any large quantity in one lie?—It is desirable to have a single contractor.

1512. Upon what grounds do you form that opinion?—It is desirable to have a single contractor for each single district, speaking of Great Britain. There are 46 contracts entered into in Great Britain for bread, and as many for meat, and almost as many for forage, and for each of those we have a single contract.

1513. What is the money value of each contract for bread?—That depends entirely upon what number of troops are stationed in the district. The annual value may be between 2,000 *l.* or even less, and 20,000 *l.*

1514. Assuming the contract to be for 20,000 *l.*, might not it be frequently advantageous to the public service that it should be made in two lies of 10,000 *l.* each?—I think that contracts should not be too much divided, because if they fall into the hands of small dealers, they will necessarily charge retail prices. The advantage of the contract system is to get them into the hands of millers or graziers, or men who deal largely in the produce you require, and who can afford to give their supplies at a lower price. For example, when some of the troops supplied themselves under regimental contracts, it was found that they were paying 1¼ *d.* a ration more for their bread and meat by contract with the butchers and

and bakers than the public were paying to large capitalists for precisely the same quality of supplies.

1515. While on the one hand extreme subdivision might be prejudicial to the public interest, might not it be possible that, in insisting upon your contracts being made on the large lies of 10,000 *l.* or 12,000 *l.* value, you would exclude many competitors who might be disposed to come in and tender at lower prices?—I think not; it may be a question whether the contracts might not be more subdivided, but I would not subdivide them to the extent of bringing in the butcher and the baker, and shutting out the capitalist.

1516. Would it not often happen that in certain districts you would have only one or two competitors who were capable of making up the large quantity that you desire; do not you give a great opportunity for combination between those competitors?—There are generally more than one or two competitors in each district. If we found that difficulty arise, it might be a matter of consideration whether we should not subdivide the contracts to a greater extent than at present. But there is another thing to be considered in entering into contracts for a district; with the exception of certain counties, such as Middlesex, in which we know that there will be a number of soldiers, Hampshire, on account of Portsmouth, and Devonshire, on account of Plymouth, generally speaking, in the districts where there are not permanent barracks, we do not know what troops may be passing through, and the contractors are obliged to supply the men who do pass through.

1517. What is the amount of the annual contracts entered into by your department?—I will give in returns which will show the proximate estimate of the amount for the home service. *Vide* Appendix.

1518. Could you give the Committee an idea of the number of contracts that you enter into in one year?—We have 46 for bread, 46 for meat, and almost as many for forage in Great Britain.

1519. Is each contract made for a year?—Each contract is made for six months.

1520. Then there are twice that number in the year?—Yes, of course.

1521. Mr. *Corry.*] In cases where a large number of troops are assembled, as at Aldershott, would you have one contract for supplies of each description of article or would you subdivide it?—It is subdivided. There is a special contract for Aldershott; it is not taken into the country or district contract. There is one contract for bread, one contract for meat, and one for forage.

1522. *Chairman.*] There is only one contractor for each of those articles?—There is only one contractor for each of those articles.

1523. Mr. *Moffatt.*] Are the Committee to understand that when those contracts are made, your department does not feel itself warranted at any time in making any compensation or any relaxation of those contracts, without obtaining the sanction of the Treasury?—Certainly not any money compensation; the department decides whether the contract has or has not been properly performed; we appeal to the Treasury always before compensation is allowed to a contractor, or any relief granted.

1524. *Chairman.*] No fine can be remitted by the War Department without the sanction of the Treasury?—No fine can be remitted by the War Department without the sanction of the Treasury.

1525. Mr. *Moffatt.*] Will you put in the number of contracts, and the value of the contracts entered into in each district of Great Britain?—I will, and also of Ireland.

1526. *Chairman.*] Will you put in a copy of the rules upon which the Commissariat system is carried on?—They will be found detailed in articles 346 to 374 (pp. 139 to 145) of the accompanying copy of the Commissariat Regulations. *Vide* Appendix.

1527. Mr. *Muntz.*] Are all the contracts made upon one great principle?—Yes; but though the principle is the same, the conditions are different, according to circumstances; there is one form of contract for bread, another for meat, and so forth; I am talking of contracts all over the globe.

1528. Mr. *Moffatt.*] Does the system of obtaining tenders by public advertisement involve very material expense to the public?—Certainly not.

Martis, 15° *die Julii*, 1856.

MEMBERS PRESENT.

Mr. Monsell.	Colonel Dunne.
Colonel Smyth.	Captain Laffan.
Mr. Liddell.	Mr. Corry.
Mr. Brand.	Mr. Muntz.
Mr. Jackson.	

THE RIGHT HON. WILLIAM MONSELL, IN THE CHAIR.

Captain *Laffan*, a Member of the Committee; Examined.

Captain *Laffan*, M. P.

15 July 1856.

1529. *Chairman.*] WHAT official position do you hold?—I am Deputy Inspector-general of Fortifications.

1530. What branch of the Inspector-general of Fortifications' Office do you specially control and manage?—Barracks and camps, and every means that is taken for housing and sheltering the soldier.

1531. You are concerned with works and buildings?—I am concerned with all works and buildings erected or used for military purposes.

1532. Will you state to the Committee the system of contract by which those works and buildings are erected?—The Royal Engineer Department generally provides for the execution of every work by contract; sometimes in special cases, and particularly abroad, we find it necessary to execute work by day work, under our own superintendence, where we cannot get sufficient competition, or where we cannot get good contracts. In the great majority of instances, however, our works are executed by contract, and the general rule is, that we put up every work to unlimited competition; a drawing is made of the work, a specification is prepared, and an advertisement is published in the papers stating that a certain work is to be erected, and that all necessary documents for understanding what that work is to be, are to be seen and copies had at the Royal Engineer Office, and a day is named for the receipt of tenders at the office of the Director-general of Contracts in London.

1533. By whom are the specifications prepared?—By the officers of Engineers.

1534. Colonel *Dunne.*] You say that the contracts are made by the Director-general of Contracts?—Yes.

1535. Is that so in this country?—All contracts for works and buildings at home are made by the Director-general of Contracts.

1536. And not by the Royal Engineer Department?—And not by the Royal Engineer Department. Of course, the Engineer Department considers what conditions it is necessary to insert in any agreement, and furnishes copies of those conditions to all persons desirous of competing for the execution of the work, and the action of the Director-general of Contracts is simply that of controlling the action of the Royal Engineer Department, and seeing that every proper means has been taken to let everybody who wishes to tender have a fair chance of obtaining the contract for the work which is to be erected. The Director-general of Contracts does not control the Engineer Department as to the nature of the conditions to be inserted into any contract; the whole of the details are worked out entirely by the Engineer Department; and the Director-general of Contracts exercises only a controlling power to see that all the rules for the making of contracts are really observed.

1537. Who looks after the qualifications and the ability of the contractor to perform the work?—At the time the contractors apply at the office of the Engineer Department for copies of the specifications, and for forms of tender, each leaves his name and address, and the names and addresses of two persons willing to become his securities for the due performance of the contract. Inquiries

are

Captain *Laffan*, M.P.

15 July 1856.

are made by the officers of Engineers among civilians and among themselves, from one district to another, as to the qualifications, character, and ability of the parties who desire to contract for the work, and as to the solvency and general character of their proposed securities, and having got up as much information as they can obtain, they send that information to the Director-general of Contracts, and the Director-general of Contracts is guided in his consideration of the various offers by the reports of the Engineers upon the spot.

1538. What is the use of the Director-general of Contracts, if the Engineers can do that?—The use of the Director-general of Contracts is very valuable; in reality the work is done by the officers of Engineers; but it is desirable to have a controlling power at head-quarters to see that all the rules which are required to ensure fair competition are observed, and to relieve the officers of the Engineer Department of the very invidious task of receiving tenders, and rejecting tenders.

1539. Do not they in effect do that when they say that a man is unqualified; is it not practically done by the Engineers themselves?—It is not done by the Engineers themselves, it is done by the Contract Department in London, upon the report of the officers of Engineers upon the spot; but if the Contract Department in London found that the reasons adduced by the officers of Engineers upon the spot were not sufficient, they would not be guided by them.

1540. How were the contracts made before the appointment of the Director-General of Contracts?—They were made at what was called the Contract Office of the Board of Ordnance; it was precisely the same thing, and precisely the same action, under another name.

1541. Did you find that any defectiveness in the system of contracts then took place which is remedied now?—So far as concerns the Engineer Department, the action of the contract branch has been precisely the same both before and after the change.

1542. So that the Director-general of Contracts now performs what the Board of Ordnance did before?—The Director-general of Contracts now performs what the contract office of the Board of Ordnance did before.

1543. What do you call the contract office; is it not the Board of Ordnance itself? — The Director-general of Contracts of the War Department performs that which was performed in the same office under the Board of Ordnance.

1544. Who was the officer under the old system?—I cannot tell you.

1545. *Chairman.*] Will you proceed with your statement?—The system I have described shows the manner in which we make contracts for the execution of all extensive works, whether they be new buildings, or considerable additions, repairs, or alterations to existing buildings. But there is another class of contracts which we make for ordinary current repairs, for small jobs, if I may so call them, such as repairing broken glass, repairing roofs, and so on. These current repairs, which are constantly being required, we provide for by running contracts; we call them triennial contracts, because they are entered into for three years. The manner in which we enter into them is this: we establish a list or schedule of prices, at which the contractor is to engage to provide materials and workmanship for all works required of him during the three years; and we advertise that tenders are required for the performance of those works during three years, at so much per cent. above or below the schedule prices. These tenders are received in the office of the Director-general of Contracts, and the same course is then pursued in respect of them as I have already described when speaking of the specific contracts for the larger works. Our general system then being, both for the triennial contracts and for the specific contracts, that unlimited competition should be the rule, exceptions are made whenever it would seem unwise to follow such a system, and the Director-general of Contracts therefore departs from it occasionally, at the recommendation of the Inspector-general of Fortifications. For instance, if a building is required to be erected in a particular style of architecture, say the mediæval style, which requires that the contractor who is to execute it should be himself acquainted, or have others under him who are acquainted with the details of that architecture, we think that the competition for the erection of such a building should be confined to persons who have carried out similar works elsewhere, and who therefore hold out a reasonable prospect of being able to execute the work in a satisfactory manner

1546. Mr. *Corry.*] Is the lowest tender always accepted, except in such cases as those which you have just referred to?—These latter contracts are quite

Captain *Laffan*, M.P.

15 July 1856.

different from the former ones. As I have said, as a general rule, we have recourse to unlimited competition and public advertisements; but in those cases where we require a special quality of work, which it would only lead to disappointment to entrust to ordinary contractors, we restrict the competition to four or five of the leading people in that particular line. We send to each of them a statement of what particular service we wish to have performed, and we ask each of them separately to tender for the execution of that work. In that way, by a limited competition among parties in whose ability we have full confidence, we generally obtain a tender which is quite as low as we believe we should obtain by public competition; and we have the satisfaction of feeling confident that the person who makes the tender will be able to carry it out.

1547. But in cases where the competition is open is the lowest tender always accepted?—In cases of open competition the lowest tender is always accepted if the person who has made it is reported by the local officer of the War Department upon the spot to be able to carry it out.

1548. *Chairman.*] You spoke of erecting buildings in the mediæval style of architecture; are you in the habit of erecting any large number of buildings in that style?—No. I spoke of that merely as an exceptional case, because the practice of restricting competition is only adopted in exceptional cases, the general rule being that of unlimited competition. In fact, I only know of one instance where we have adopted the mediæval style of architecture, and that we did because we had to erect a barrack for officers in an old castle, where the other buildings were in the mediæval style: and it was thought that to erect a red brick building in the usual barrack style, in such a position, would be a desecration.

1549. Mr. *Liddell.*] Can you state generally whether in the erection of buildings for Government military purposes, any considerable attention is paid to architectural design; do you not look more to general utility than to ornament?—In the buildings which I superintend, the question is always how to obtain the most room for the least money.

1550. Colonel *Smyth.*] Were the new barracks at Sheffield built under your superintendence?—No, they were not.

1551. Have you had any report made to you relative to bad drainage and the want of water in those barracks?—I am not aware of any bad drainage, or of any want of water there.

1552. I was in those barracks for six months, and there was not water for the troops; the tanks were all empty, and the drainage was remarkably bad; whereas the cost of those barracks was very large, I believe?—Very large.

1553. *Chairman.*] Those barracks were built, I understand you to convey, before you had anything to do with the department?—Yes; but they are generally considered to be model barracks.

1554. Colonel *Smyth.*] Were those built by contract?—By contract.

1555. Did the contractor perform his work according to the contract, and to the satisfaction of the Board of Ordnance?—I believe so; and I believe that he was a very considerable loser by the contract.

1556. Mr. *Muntz.*] Did he perform his contract satisfactorily as to the water?—That is a separate question; the contractor for the building has nothing to do with the supply of the water.

1557. The contractor for a building has sometimes to do with the supply of the water?—We do not adopt that rule; we provide for the supply of water as a separate service.

1558. Colonel *Smyth.*] Did this man build the tanks for the water?—Precisely in the same way as that in which, if you wanted to build a house in Eaton-square, you would contract with Mr. Cubitt to put up tanks, but you would not contract with him for the supply of water.

1559. *Chairman.*] Having described the system of contracting for works and buildings at home, will you be so good as to describe the system of contracting for them abroad?—The system followed abroad is precisely the same as that which we adopt at home, with this exception, that instead of saying the tenders are to be addressed to the Director-general of Contracts, who is of course at too great a distance, we advertise that the tenders will be received by the senior officer of the Commissariat. The officer of the Commissariat, after he has received the tenders, opens them in the presence of an officer of the Royal Engineers.

1560. Mr. *Muntz.*] What is the security provided for the proper execution of the

Captain *Laffan*, M.P.

15 July 1856.

the contract?—The security provided for the proper execution of the contract is always a certain penalty. The contract provides that if the work is not performed to the satisfaction of the commanding officer of Engineers, and is not completed by a given day, or within a certain number of days after the contractor receives the order to commence, then the contractor shall forfeit a sum named in the contract, and frequently a clause is added that, for every day's delay, he shall forfeit, over and above the great sum named, a further penalty per day.

1561. How is the contractor paid?—The contractor is paid, generally speaking, at rates varying from two-thirds to five-sixths of the value of the work executed by him.

1562. Then the forfeit is taken out of the remaining money?—The forfeit is taken out of the remaining money.

1563. Is the margin retained always sufficient to cover the forfeit?—Yes, generally speaking, it is.

1564. Take the case of Westminster Bridge; at the present moment it seems that, in consequence of some bad arrangement, the whole of the money has been paid, and the forfeiture there has been lost, the contractor having failed?—I only know of that case from the public papers, from which I gather that the contractor was paid the whole value of the work performed as he did it; that, in point of fact, he never had anything remaining due to him; he was paid the moment he performed the work. That is a practice which we never follow; we always retain a certain portion.

1565. Mr. *Liddell.*] You were speaking just now of the foreign stations?—Yes.

1566. There is an agent, I suppose, appointed at each station to represent the Commissariat in this country?—The troops abroad are always provided with rations by the Commissariat; the system is altogether different from that which has hitherto existed in England. The Commissariat has a staff at every foreign station, and there is always therefore a Commissariat office at head-quarters, and that office is thought to be the best place for receiving all Government contracts. The tenders are all addressed to that office; and they are opened in the presence of the chief officer of the Commissariat, the second officer (if there be one), and an officer representing the particular department for whose service the contract is being made.

1567. Are all those Commissariat officers of whom you speak under the superintendence of the general Commissariat establishment in London?—Yes.

I have one more point to add, in order that the Committee may clearly understand the system under which our contracts are made. I have told you that, as a general rule, we submit everything to the most unlimited competition; that in particular cases we restrict the competition to three or four, or five parties, in whose ability to carry out the work we feel particular confidence; but there are cases in which we find it expedient to have no competition at all, but to apply to one person for one particular thing, and to apply to no one else. Cases of this kind must necessarily occur in every branch of business.

1568. Mr. *Muntz.*] Do you mean that you give him the order without a contract?—No; we make a contract, but we apply to only one person for a tender; for example, we had to provide for the covering of certain large spaces between the barracks at Aldershott, and we wished to do it by means of a glass roof; in fact to put up what is called a Paxton roof. After having considered the subject carefully, I found that it really would not be desirable to advertise for competition for the erection of a Paxton roof, and that it would be better to apply to Sir Charles Fox. I asked Sir Charles Fox to call upon me, and, when he called I gave him the plans, and I said, We require a Paxton roof for this; I know that you have had great experience in this kind of work, that you have all the models in your workshop, and have got better means of doing this at a cheap rate, and in a thoroughly good manner, than anybody else in England. On what terms will you contract to put up the roofs which we require at Aldershott? He took the plans away and sent in a tender, offering to do the work for a particular sum. We were not satisfied with that offer, because the drawings and details which he gave us were not sufficiently minute to enable us to estimate whether the sum to be paid was reasonable or not; we wrote to Sir Charles Fox, and asked him to be good enough to send us a detailed statement and specification as to the scantlings of the iron, the particular qualities of glass,

Captain *Laffan*, M. P.

15 July 1856.

glass, and so; we received that information from him, and we saw that the work which he tendered to execute was full value for the money: we found that we could not do it ourselves at the same rate, and therefore we recommended that his tender should be accepted, and that no competition should be resorted to at all.

1569. Had you any means of estimating the value of his tender, except your own knowledge?—We had no means of estimating the value of his tender except by looking at the value of the materials, and the time it would require to put them up.

1570. Did you take the value of the materials from the price at which you had obtained any similar materials, or how did you ascertain it?—We took the general value of wrought iron; the whole of the frame-work was wrought iron; we took the quantity of wrought iron at so much per ton; we took the value of the glass and the value of the carpentery, and so on, comparing each part of the work with works as nearly similar as we had ever executed ourselves, and we found the price asked was fair and reasonable. I think it would have been unwise in that case to have put the work up to competition; the probability is, that we should have had somebody contracting with us who had had no experience in that class of work, and that we should have had a failure.

1571. Mr. *Corry.*] Is the same system of public contract followed in the case of fortifications?—Precisely.

1572. Mr. *Brand.*] In the event of the lowest tender not being accepted, is any special report made to the War Department?—The lowest tender is invariably accepted, except upon a special report, which must have been previously made to the War Department, giving reasons why that particular tender should not be accepted. To give an instance, a work is required in some part of England, and 15 tenders are received; 14 out of the 15 range from 6,000 *l.* to 7,000 *l.*; the 15th tenders to do the work for 4,500 *l.*; we do not think that it can be done efficiently and honestly for anything like the money; we make inquiry into the character of the person who has so tendered, and we find that he has failed in a similar contract before, or that he has recently been passed through the Insolvent Court. Of course in such a case we would not give the contract to him. I do not mean to mention names, but I am quoting an instance which actually happened the other day.

1573. Mr. *Corry.*] I presume you employ in all cases inspectors upon the part of the Government to watch the progress of the works, and to ascertain the quality of the work and the materials?—The work is under constant supervision by officers of Engineers and by the civil staff under their orders. One does not like to say that every brick is inspected, but it really comes nearly to that.

1574. The same as in the case of the Admiralty, I suppose?—I am not aware what system is followed under the Admiralty.

APPENDIX.

LIST OF APPENDIX.

Appendix, No. 1.

PAGE

Return of the Names of the Officers, Civil and Military, and of all other Persons employed in the Department for Clothing the Army, stating the Date of each Appointment, previous Employment (if any), and the Age and Salary in each case - - - - - - - 99

Establishment at Weedon - - - - - - - - - - - - - - 100

Appendix, No. 2.

Papers delivered in by Captain Edward Morier Boxer, R.A., 8 July 1856:

Prime Cost of making One Ton of the various Shells used in the Service, Royal Laboratory - - - - - - - - - - - - - - - - - 103

Prime Cost of making 1,000 Naval Fuzes, Royal Laboratory - - - - - - 104

Cost of the Manufacture of 1,000 Shrapnel Sockets, Royal Laboratory - - - - 104

Appendix, No. 3.

Papers furnished by J. S. Elliot, Esq.:

Militia Regiments.—Return of the Prices payable to Contractors for Militia Clothing for the Year 1856-7 - - - - - - - - - - - - - - 105

Return of Prices charged for Making-up the Clothing for the Regiments in India - - 106

Return of the Names of Officers, and of all other Persons employed at the Army Clothing Depôt, Weedon, stating the Salary in each case - - - - - - 106

Comparative Cost of the Old and Proposed Clothing for the Line, taking into account the Expenses of the Establishment at Weedon - - - - - - - - 108

Comparative Quality and Cost of the Old Great Coat for the Infantry Soldier, with the Cost of that to be issued in Future - - - - - - - - - - - - 108

Statement of the Complaints addressed by Commanding Officers of Militia, as to the Quality of Boots issued from Weedon in 1856, to their respective Corps - - - 108

Appendix, No. 4.

Papers furnished by Samuel Petrie, Esq.:

Forms of Contract used in the Commissariat Department - - - - - - - 109

Bread Tender—Counties - - - - - - - - - - - - - 109

Tender for Beef and Mutton—Counties - - - - - - - - - 115

Extract from Code of Regulations and Instructions for conducting the Duties of the Commissariat Department, pp. 139 to 145 - - - - - - - - - - - 121

Average Cost of Bread, Meat and Forage for the Troops in the several Districts or Counties in Great Britain, for Twelve Months - - - - - - - - - - - 125

Average Cost of Bread, Meat and Forage for the Troops in the several Districts or Counties in Ireland, for Twelve Months - - - - - - - - - - - - 126

APPENDIX.

Appendix, No. 1.

RETURN of the OFFICERS employed in the CLOTHING DEPARTMENT, and their SALARIES.

DEPARTMENT FOR CLOTHING THE ARMY.

RETURN of the NAMES of the OFFICERS, CIVIL and MILITARY, and of all other Persons employed in the DEPARTMENT for CLOTHING the ARMY, stating the Date of each Appointment, previous Employment (if any), and the Age and Salary in each case.

Names, &c. of the Officers.	Date of Appointment.	Previous Employment.	Age.		Salary.		
			Yrs.	*Ms.*	£.	*s.*	*d.*
DIRECTOR-GENERAL OF ARMY CLOTHING:	1855:						
Colonel Sir Thomas St. Vincent Troubridge, Bart, C.B., Aide-de-Camp to the Queen.	7 June -	- - Served in the 73d and 7th (Royal Fusiliers) Regiments of Infantry, from January 1834 to October 1854; was compelled to retire on half-pay, from wounds, which incapacitated him from active service.	39	0	1,000	–	–
ASSISTANT DIRECTOR-GENERAL:							
George Dalhousie Ramsay, Esq. -	7 June -	- - Appointed a Clerk in the War Office in December 1846; was Private Secretary to the Right Hon. Fox Maule, Secretary at War, from 1st October 1849 to January 1852, when he was appointed Private Secretary to the President of the Board of Control till 27th February 1852; was Private Secretary to the Right Honourable Sidney Herbert, Secretary at War, from 28th December 1852 to 8th February 1855; was Secretary to the Royal Commission on Promotion in the Army in July 1854; was Private Secretary to Lord Panmure, Secretary of State for War, from 8th February 1855 to 7th June 1855.	27	9	800	–	–
SENIOR CLERK (1st Class, 2d Section):							
William Cook Richards - -	22 June -	- - Was appointed in the Commissary in Chief's Office, 28th November 1809; was transferred to the Commissariat Department of the Treasury 1st October 1816; and was appointed to the Ordnance 1st July 1834.	60	6	700	–	–
SENIOR CLERKS (2d Class):							
Charles H. Connell - - -	22 June -	- - Was appointed Junior Clerk in the Office of the Secretary to the Board of Ordnance, March 1839; was made Senior Clerk, June 1851.	34	10	360	–	–
James Bontein - - - -	3 September	- - Was appointed Temporary Clerk, Royal Engineers' Office, Chatham, 1847; Established Clerk, Ordnance Storekeeper's Department, Malta, 7 June 1847; transferred to the Office of Inspector-general of Fortifications, 1st October 1851.	34	0	315	–	–
THIRD CLASS:							
Percy C. B. Lennard - - -	22 June -	- - Was appointed Junior Clerk in War Department, 8th November 1852.	23	0	120	–	–
George Sterling Mould - -	22 June -	- - Was appointed Temporary Clerk in the Office of the Secretary to the Board of Ordnance, March 1853; placed on Establishment, June 1853.	22	9	110	–	–
Arthur Algernon Capel - -	22 June -	- - Was appointed Junior Clerk in the Office of the Secretary to the Board of Ordnance, 12th September 1854.	18	0	100	–	–

Names, &c., of the Officers.	Date of Appointment.	Previous Employment.	Age.	Salary.
THIRD CLASS—*continued.*	1855:		*Yrs. Ms.*	£. *s. d.*
Thomas H. Tucker	15 August	- - Was appointed Temporary Clerk, Master-general's Office, 12th February 1855; was placed on Establishment, and transferred to Cash Account Office, 6th July 1855.	28 10	100 – –
Francis Rodney Murray	1 July	- - Was appointed Temporary Clerk in the Secretary's Office, 2 January 1855.	17 10	100 – –
William Charles Bryant	27 October	None	18 8	100 – –
Francis Ram	16 November	None	20 10	100 – –
Charles Edward H. Jay	20 November	- - Was appointed Clerk in the Custom House, 5 April 1854.	18 5	100 – –
Alexander J. Black	16 November	- - Was appointed Temporary Clerk in the Royal Arsenal, Woolwich, 23 October 1855.	22 8	100 – –
Matthew O'Hea	28 November	None	18 10	100 – –
TEMPORARY CLERKS:	1856:			
Edward H. Harbour	10 January	None	21 9	100 –
Henry F. Speed	10 January	None	20 0	100 – –
Thomas H. Scarth	11 January	- - Was appointed Junior Clerk, Royal Arsenal, Woolwich, 1 December 1854.	21 6	100 – –
William R. Buck	10 January	None	18 4	100 – –
Esmonde T. White	12 January	- - Was appointed Temporary Clerk in the Royal Arsenal, Woolwich, 4 June 1855, and an extra Clerk 13 October 1855.	21 3	100 – –
PATTERN KEEPER:	1855:			
David Thomas	17 July	- - Served in 1st Battalion Scots Fusilier Guards, from 12 May 1831 to 14 December 1852; was appointed to Board of General Officers in charge of Army Clothing Patterns, &c., 17 November 1852.	44 1	75 – –

ESTABLISHMENT AT WEEDON.

Names, &c., of the Officers.	Date of Appointment.	Previous Employment.	Age.	Salary.
SUPERINTENDENT (Army Clothing Depôt):	1855:		*Years.*	£. *s. d.*
James Sutton Elliott	24 October	- - 20 June 1822, Clerk in Barrack Department, Ireland; 25 December 1822, transferred to the Ordnance; 1 July 1837, transferred to the Clerk of the Ordnance Office, London; April 1840, Commissioner to inquire into the Military Expenditure in Canada, during 1837-8-9; November 1845, Storekeeper (1st Class) at Head Quarters in Canada; January 1851, Member of the Commission to inquire into Naval and Military Establishments Abroad; returned to Canada in 1852; appointed Superintendent at Weedon, 24 October 1855.	50	800 – –

Names, &c., of the Officers.	Date of Appointment.	Previous Employment.	Age.	Salary.
INSPECTORS:			*Years.*	*£. s. d.*
1st. (Cloth) H. Hoile - - -	28 Dec. 1855:	- - Employed 10 years in the firm of Costaker & Co., Cloth Merchants, since then one year in Mr. Bliss' Cloth Factory.	33	300 – – to 350 – –
2d. (Saddlery) —— Smith - -	subsequently -	- - Brought up as a Saddler and Ironmonger; was Serjeant Saddler of the 6th Dragoon Guards, and Quartermaster Cavalry Depôt, Brighton.	- -	200 – – to 290 – –
3d. (Cloth) T. Mallett - - -	9 Feb. 1856	- - Ten years as woollen salesman in Bartleet's Cloth Hall, London; 2 years in similar situation in Bull & Wilson's, St. Martin's-lane, London.	34	100 – – to 190 – –
4th. (Made-up Clothing) W. Hebden	5 Jan. –	- - Chief Viewer at the Tower in November 1854; 20 years' previous experience as Army and general Cloth Worker.	35	100 – – to 190 – –
5th. (Boots, &c.) N. Watson -	9 Feb. –	- - Eleven years a manufacturer of boots and shoes in London; and in employment of Grand Junction Canal Company, as Audit Clerk.	29	100 – – to 190 – –
6th. (Boots, &c.) J. L. Folkerd -	„ „ –	- - Fourteen years a leather cutter, manufacturer, and dealer in London; has been all his life connected with the trade.	40	100 – – to 190 – –
TEMPORARY CLERKS:				
W. J. Baker - - - - -	28 Dec. 1855	- - Three years an articled clerk in London Dock Company's Office.	19	100 – –
W. J. Manson - - - - -	„ „ –	- - Fourteen months in a merchant's office, and eight months in Union Bank.	22	100 – –
FOREMEN OF LABOURERS:				
George Cook - - - - -	„ „ –	- - Brought up as a shoemaker with Mr. Marshall, Wandsworth; subsequently employed in the Oxford and Cambridge Club.	44	127 15 –
Samuel Boyd - - - - -	„ „ –	- - Twenty-six years in Royal Artillery; 23 as non-commissioned officer; superintendent of Convicts, Van Diemen's Land, 1842; sub-officer of Local Artillery in New Zealand, 1845–46; foreman of Ordnance stores, Jersey, January 1849 to 1854, when he joined the Expedition to the Crimea as chief storekeeper in Quartermaster-general's Department, till July 1855.	63	127 15 –
FOREMAN OF SADDLERY:				
Brodie - - - - - -	- - -	- - Serjeant Saddler, 1st Regiment Dragoons.	- -	127 15 – to commence 1st April 1856.
VIEWERS:				*Per Week.*
Cloth - - J. Elmer - -	April - 1843	- - Thirteen years a Viewer; transferred from Tower.	38	1 2 –
Cloth - - E. Stocker -	July - 1854	- - Formerly a draper in trade; transferred from Tower.	42	1 2 –
Made up Clothing, W. Dee -	April - 1824	Tailor; transferred from Tower -	55	1 10 –
Boots, &c. - J. Groves - -	March - 1855	- - Shoemaker, 30 years in trade; transferred from Tower.	45	1 7 –
Boots, &c. - G. Marsh - -	July - 1848	- - Shoemaker, 6 years in trade; transferred from Tower.	26	1 7 –
Boots, &c. - E. Thornton -	March - 1855	- - Shoemaker, 30 years in trade; transferred from Tower.	43	1 2 –
Boots, &c. - T. Allen - -	„ –	- - Shoemaker, 13 years in trade; transferred from Tower.	29	1 2 –
Boots, &c. - E. Mansbridge -	August –	- - Shoemaker, 14 years in trade; transferred from Tower.	26	1 2 –
Boots, &c. - W. Walters -	October –	- - Shoemaker, 14 years in trade; transferred from Tower.	24	1 2 –

Names, &c., of the Officers.		Date of Appointment.	Previous Employment.	Age.	Salary.
				Years.	*Per Week.* £. s. d.
Labourers in Boot Rooms	T. Mann	Dec. 1855	Shoemaker, from Tower	40	– 15 –
	W. Joss	March –	Labourer - ditto	21	– 16 –
	J. Phillips	Dec. 1852	- ditto - ditto	19	– 15 –
	W. Hall	March 1855	- ditto - ditto	45	– 15 –
	T. Horton	August –	- ditto - ditto	34	– 15 –
	J. Holmes	Sept. 1854	- ditto - ditto	23	– 15 –
	E. Leader	„ –	- ditto - ditto	40	– 15 –
	J. Dunt	Nov. 1855	Serjeant in Rifle Brigade, from Tower	41	– 15 –
	J. King	Dec. –	Labourer	18	– 15 –
	E. Gudgeon	„ –	- ditto	17	– 15 –
	T. Allen	26 Jan. 1856	- ditto	19	– 15 –
	R. Basford	„ „ –	- ditto	18	– 15 –
	J. Handcock	Dec. 1855	- ditto	19	– 15 –
	W. Quelch	28 Jan. 1856	Shoemaker	40	– 15 –
Labourers in Cloth Room	J. Pierce	March 1854	- Pensioned from Life Guards; transferred from Tower.	54	– 16 –
	W. Phillips	March 1848	Transferred from Tower	20	– 16 –
	C. Field	July 1855	- ditto	37	– 15 –
	J. Southgate	„ –	- ditto	23	– 15 –
	R. Cardy	March 1853	- ditto	21	– 15 –
	F. Moore	July 1855	- ditto	19	– 15 –
	J. Bradgate	August –	- ditto	26	– 15 –
	F. Clarke	April –	- ditto	27	– 15 –
	R. Cooke	Jan. –	- ditto	20	– 15 –
	H. Brownjohn	April –	- ditto	23	– 15 –
	E. Perry	Sept. 1854	- ditto	24	– 15 –
	H. Shirley	July –	- Pensioner, Coldstream Guards; transferred from Tower.	45	– 15 –
	H. Clarke	Sept. –	Transferred from Tower	21	– 15 –
	H. Brown	July 1855	- ditto	26	– 15 –
	W. Osborn	March 1854	- ditto	33	– 15 –
	C. Cousins	July 1855	- ditto	21	– 15 –
	J. Izzard	Dec. –	Labourer	38	– 15 –
Labourers in Made-up Clothing Room	J. Potter	Nov. –	Transferred from Tower	25	– 15 –
	W. Buckley	March 1853	- ditto	44	– 15 –
Store Labourers	J. Cook	16 Dec. 1855	Pensioner, 12th Foot	38	– 15 –
	J. Towers	„ –	Labourer	29	– 15 –
	G. Towers	„ –	- ditto	34	– 15 –
	J. Thompson	22 Dec. –	Shoemaker	28	– 15 –
	J. Riley	24 Dec. –	Labourer	24	– 15 –
	E. Mudiman	„ –	- ditto	34	– 15 –
	J. Loveday	„ –	- ditto	28	– 15 –
	S. Greenham	„ –	- ditto	29	– 15 –
	R. Reeves	„ –	- ditto	35	– 15 –
	M. Duffy	„ –	Pensioner, 21st Foot	34	– 15 –
	T. Basford	„ –	Labourer	26	– 15 –
	J. Cummins	7 Jan. 1856	- ditto	30	– 15 –
	T. Thompson	„ –	- ditto	31	– 15 –
	W. Littlemore	28 Jan. –	- ditto	23	– 15 –
	J. Loveday	„ –	- ditto	25	– 15 –
	S. Sutton	13 Feb. –	- ditto	49	– 15 –
Police	T. Robinson	12 Feb. –	Pensioner from 48th Foot	46	– 11 8
	J. Bissikes	„ –	- ditto - 19th Foot	46	– 11 8
	S. Dainty	„ –	- ditto - 48th Foot	45	– 11 8
	T. Charley	22 Feb. –	- ditto Sergeant, from 81st Foot	44	– 11 8
Gatekeeper	J. Barge	28 Dec. 1855	Foreman, Railway	63	– 17 6
Officekeeper	D. Sims	„ –	Labourer	40	1 1 –
Messenger	F. Paisey	„ –	- ditto	17	– 15 –
Female Assistants, Cloth Room	M. A. M'Donald	October –	Transferred from Tower	36	– 10 –
	A. Walsh	„ –	- ditto	42	– 10 –

Appendix, No. 2.

PAPERS delivered in by Captain *Edward Morier Boxer*, R.A., 8 July 1856.

PRIME COST of making One Ton of the various SHELLS used in the Service.

	13-Inch.	10-Inch.	8-Inch.	32-Pounder.	24-Pounder.	12-Pounder.	8-Inch Diaphragm.	32-Pounder Diaphragm.	24-Pounder Diaphragm.	12-Pounder Diaphragm.	9-Pounder Diaphragm.	6-Pounder Diaphragm.
WAGES—	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Moulding	– 1 6	– 1 6	– 2 10	– 3 9	– 4 2	– 7 6	– 4 6	– 5 2½	– 6 6	– 13 –	– 16 6	1 6 –
Core making	– – 6	– – 6	– – 4½	– – 7½	– – 8½	– 1 3	– 1 2	– 1 8	– 2 1	– 4 2	– 5 2½	– 8 4
Core drying and dipping	– – 3	– – 3	– – 5	– – 6½	– – 7½	– 1 1	– – 8	– – 10	– 1 –	– 1 9	– 2 3	– 3 –
Box closing	– – 8	– – 8	– – 7	– 1 2	– 1 3½	– 2 4	– – 10½	– 1 7½	– 2 –½	– 4 –	– 5 –	– 8 1
Box clearing	– – 3	– – 3	– – 4½	– – 6½	– – 7½	– 1 1	– – 6	– – 9	– – 11½	– 1 10½	– 2 4	– 3 9
Melting	– 2 –	– 2 –	– 2 –	– 2 –	– 2 –	– 2 –	– 2 6	– 2 6	– 2 6	– 2 6	– 2 6	– 2 6
Metal carrying	– 1 1	– 1 1	– 1 1	– 1 1	– 1 2½	– 2 –	– 1 4	– 1 7½	– 2 –	– 3 9	– 4 9	– 6 –
Scumming	– – 1	– – 1	– – 1	– – 1½	– – 1½	– – 2½	– – 2	– – 2	– – 2	– – 3	– – 4	– – 6
Truck shifting	– – 4	– – 4	– – 4	– – 6½	– – 7	– – 10	– – 6½	– – 8½	– – 10½	– 1 9	– 2 3	– 3 –
Emptying boxes	– 1 4	– 1 4	– 1 5	– 2 2	– 2 4½	– 2 6	– 2 2½	– 2 11½	– 3 8	– 4 3	– 5 9	– 7 4
Mixing sand	– – 6	– – 6	– – 6	– – 6	– – 7	– – 7	– – 6½	– – 8½	– – 8½	– – 8½	– – 8½	– – 8½
Bringing in sand	– – 3	– – 3	– – 3	– – 3	– – 3½	– – 3½	– – 4	– – 4	– – 4	– – 4	– – 4	– – 4
Pegging and cleaning spindles	– – 1	– – 1	– – 1	– – 3	– – 3½	– – 6	– – 1	– – 1½	– – 2	– – 2½	– – 3	– – 6
Lining ladles	– – 3	– – 3	– – 3	– – 3	– – 3	– – 3	– – 4	– – 4	– – 4	– – 5	– – 6	– – 8
Cleaning shells	– 1 –	– 1 –	– – 6½	– – 6½	– – 7½	– – 8½	– – 8	– 1 –	– 1 4	– 2 6	– 3 –	– 5 –
Dressing, gauging, and stacking	– 2 4	– 2 4	– 2 4	– 2 4	– 2 7	– 4 –	– 2 7	– 3 –	– 3 6	– 7 3	– 8 –	– 10 –
Cleaning shop	– – 1½	– – 1½	– – 1½	– – 1½	– – 1½	– – 1½	– – 1½	– – 1½	– – 1½	– – 1½	– – 1½	– – 1½
Management	– 1 –	– 1 –	– 1 –	– 1 –	– 1 –	– 1 –	– 1 –	– 1 –	– 1 –	– 1 –	– 1 –	– 1 –
Total Amount per ton	– 13 6½	– 13 6½	– 14 7	– 17 9½	– 19 5½	1 8 3	1 – 1½	1 4 8	1 9 2½	2 9 10	3 – 9½	4 6 10
INCIDENTAL—												
Moulding	– – 6¾	– – 6¾	– – 6¾	– – 6¾	– – 6¾	– – 6¾	– – 7½	– – 7½	– – 7½	– – 7½	– – 7½	– – 7½
Coal dust	– – 11	– – 11	– – 11	– – 11	– – 11	– – 11	– 1 2	– 1 2	– 1 2	– 1 2	– 1 2	– 1 2
Bear bottoms	– – 1	– – 1	– – 1	– – 1	– – 1	– – 1	– – 1½	– – 1½	– – 1½	– – 1½	– – 1½	– – 1½
Coke for melting	– 4 9	– 4 9	– 4 9	– 4 9	– 4 9	– 4 9	– 5 11½	– 5 11½	– 5 11½	– 5 11½	– 5 11½	– 5 11½
Coke for dressing cores	– – 10½	– – 10½	– – 10½	– – 10½	– – 10½	– – 10½	– 1 –½	– 1 –½	– 1 –½	– 1 –½	– 1 –½	– 1 –½
Fire-clay, brick, &c., for cupola	– – 11¼	– – 11¼	– – 11¼	– – 11¼	– – 11¼	– – 11¼	– 1 2½	– 1 2½	– 1 2½	– 1 2½	– 1 2½	– 1 2½
Files, chisels, &c., for dressing	– 1 6	– 1 6	– 1 6	– 1 6	– 1 6	– 1 6	– 1 6	– 1 6	– 1 6	– 1 6	– 1 6	– 1 6
Engine-power for fan and cleaning machine	– 1 6	– 1 6	– 1 6	– 1 6	– 1 6	– 1 6	– 1 10½	– 1 10½	– 1 10½	– 1 10½	– 1 10½	– 1 10½
General incidents	– 2 6	– 2 6	– 2 6	– 2 6	– 2 6	– 2 6	– 2 6	– 2 6	– 2 6	– 2 6	– 2 6	– 2 6
Wear and tear of machinery at 20 per cent per ann.	– 1 3	– 1 3	– 1 3	– 1 3	– 1 3	– 1 3	– 1 3	– 1 3	– 1 3	– 1 3	– 1 3	– 1 3
INTEREST ON—												
Capital expended, building, &c., 5 per cent.	– 3 7½	– 3 7½	– 3 7½	– 3 7½	– 3 7½	– 3 7½	– 3 7½	– 3 7½	– 3 7½	– 3 7½	– 3 7½	– 3 7½
Diaphragms and waste	– – –	– – –	– – –	– – –	– – –	– – –	1 7 8	2 1 3	2 5 –	3 3 11	3 2 1	4 5 6
Total cost of making per ton	1 12 –½	1 12 –½	1 13 1	1 16 2½	1 17 11½	2 6 9	3 8 7½	4 6 9	4 15 –½	6 14 7	7 3 8½	9 13 2
Pig-iron and waste in melting per ton	4 15 4	4 15 4	4 15 4	4 15 4	4 15 4	4 15 4	5 6 –	5 6 –	5 6 –	5 6 –	5 6 –	5 6 –
Total Cost, including pig-iron, per ton	6 7 4½	6 7 4½	6 8 5	6 11 7½	6 13 3½	7 2 1	8 14 7½	9 12 9	10 1 –½	12 – 7	12 9 8½	14 19 2
CONTRACT PRICE PER TON	11 15 –	11 11 –	11 11 6	11 17 6	12 8 6	14 10 –	20 10 –	23 10 –	27 13 –	30 2 6	39 10 –	73 – –
SAVING EFFECTED PER TON £.	5 7 7½	5 3 7½	5 3 1	5 5 10½	5 15 2½	7 7 11	11 15 4½	13 17 3	17 11 11½	18 1 11	27 – 3½	58 – 10

Royal Laboratory, 8 July 1856.

E. M. Boxer, Capt. R. A., Supt R. A.

Appendix, No. 2.

Prime Cost of making 1,000 Naval Fuzes.

Wages:		d.	£. s. d.	£. s. d.
Moulding	one labourer,	31½ hours, at 3½ per hour	– 9 1½	
Core drying and dipping	one ditto,	12½ hours, at 3½ „	– 3 7¾	
Melting	one ditto,	12½ hours, at 3½ „	– 3 7¾	
Cleaning sand off castings	one boy,	12½ hours, at 2 „	– 2 6	
Facing ends of fuze	one boy,	12½ hours, at 2 „	– 2 6	
Roughing with side lathes	one labourer,	62½ hours, at 3½ „	– 18 2¾	
Boring	one ditto,	62½ hours, at 3½ „	– 18 2¾	
Turning to finished size	one ditto,	37½ hours, at 3½ „	– 11 –	
Squaring collars	one ditto,	37½ hours, at 3½ „	– 11 –	
Chasing	one mechanic,	62½ hours, at 6 „	1 11 3	
	one lad,	125 hours, at 2 „	1 – 10	
Cupping	one labourer,	25 hours, at 3 „	– 6 3	
Graduating and equalizing	one mechanic,	12½ hours, at 6 „	– 6 3	
	one labourer,	12½ hours, at 3½ „	– 3 7¾	
	one boy,	12½ hours, at 1½ „	– 1 6¾	
Roughing insides	one labourer,	25 hours, at 3½ „	– 7 3½	
Stamping and marking	one ditto,	12½ hours, at 3½ „	– 3 7¾	
Boring and screwing	one mechanic,	125 hours, at 6 „	3 2 6	
Squaring caps	one labourer,	37½ hours, at 3½ „	– 11 –	
Ditto	one boy,	25 hours, at 1½ „	– 3 1½	
Drilling and priming	one boy,	25 hours, at 1½ „	– 3 1½	
Finishing caps	one boy,	25 hours, at 1½ „	– 3 1½	
Gauging and examining	one mechanic,	12½ hours, at 6 „	– 6 3	
	one labourer,	12½ hours, at 3½ „	– 3 7¾	
Toolmakers	one mechanic,	62½ hours, at 6 „	1 11 3	
Overlookers and leading hands	one ditto,	12½ hours, at 7 „	– 7 3½	
	one ditto,	12½ hours, at 6½ „	– 6 9¼	
	one ditto,	12½ hours, at 6 „	– 6 3	
Total Amount of Wages paid per 1,000 Fuzes				15 4 11¼
Casting:				
Pots, 3½ at 1*s.* 4*d.* each			– 4 8	
Copper, 915⅞ lbs. at 6*l.* 7*s.* per cwt.			51 16 8	
Tin, 76 5/16 lbs. at 112*l.* 10*s.* per ton			4 5 10	
Waste in melting, turning, &c., 25 per cent.			14 – 7½	
				70 7 9½
Interest on capital expended on buildings and machinery, at 5 per cent. per annum				– 3 2½
Wear and tear of machinery employed at 10 per cent.				– 2 6½
Total Cost of 1,000 Fuzes				85 18 5¾
Price paid to contractors for 1,000 fuzes, at 4*s.* each				200 – –
Saving effected per 1,000			£.	114 1 6¼

Royal Laboratory, 8 July 1856. *E. M. Boxer*, Capt. R.A., Sup^t R.L.

Cost of the Manufacture of 1,000 Shrapnel Sockets.

		d.	£. s. d.	£. s. d.
Boring sockets	one labourer	50 hours, at 3½ per hour	– 14 7	
Roughing and turning	one boy	100 hours, at 1½ „	– 12 6	
Chasing	one ditto	125 hours, at 1½ „	– 15 7½	
Roughing insides	one labourer	25 hours, at 3 „	– 6 3	
Drilling fire-holes	one lad	25 hours, at 1½ „	– 3 1½	
Making and repairing bits,	one mechanic,	25 hours, at 6 „	– 12 6	
Overlooking	one mechanic,	25 hours, at 7 „	– 14 7	
Total Amount of Wages paid per 1,000				3 19 2
Interest on capital expended on buildings and machinery, at 5 per cent. per annum				– 1 9¼
Wear and tear of machinery employed at 10 per cent.				– 2 2¾
Total Cost of 1,000 Shrapnel Sockets				4 3 2
Price paid to Contractors for 1,000 Sockets, at 1*s.* each				50 – –
Saving effected in making 1,000 Sockets			£.	45 16 10

Royal Laboratory, 8 July 1856. *E. M. Boxer.*

Appendix, No. 3.

PAPERS furnished by *J. S. Elliot*, Esq.

MILITIA REGIMENTS.

RETURN of the Prices Payable to Contractors for Militia Clothing for the Year 1856-7.

CONTRACTORS' NAMES.	Extent of Contract.	MUSICIANS.				STAFF SERGEANTS.						SERGEANTS.		BUGLERS.	RANK and FILE.		COLOUR BADGES.	SERGEANTS' CHEVRON.	SERGEANTS' CROWNS.	CORPORALS' CHEVRON.
		Bandmaster.		Band.		Sergeant-Major.		Quartermaster-Sergeant.		Drum-Major.										
		Tunics.	Trowsers.	Tunics.	Trowsers.	Tunics.	Trowsers.	Tunics.	Trowsers.	Tunics.	Trowsers.	Tunics.	Trowsers.	Tunics.	Tunics.	Trowsers.				
		£. s. d.	£. s. d.	£. s. d.	s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	s. d.	£. s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Boyd, Williams & Co.	2,000	3 3 –	1 4 –	1 10 –	14 –	2 10 –	1 4 –	2 10 –	1 4 –	2 10 –	1 4 –	1 10 –	14 –	1 16 –	18 3	9 –	7 –	4 –	5 –	– 5
Dolan & Co.	10,000	3 14 –	1 5 3	1 9 –	13 7	3 14 –	1 5 3	3 14 –	1 5 3	3 14 –	1 5 3	1 11 –	13 7	1 17 –	18 7	8 10½	8 –	7 –	5 –	– 6
Gilpin & Co. London	10,000	3 18 7	1 5 3	1 10 –	14 –	3 16 6	1 5 3	3 16 6	1 5 3	3 16 6	1 5 3	1 11 –	13 8	1 16 –	18 6	9 –	10 3	7 4	5 9	– 6
Gilpin & Co. Dublin	10,000	3 18 7	1 5 3	1 10 –	14 –	3 16 6	1 5 3	3 16 6	1 5 3	3 16 6	1 5 3	1 11 –	13 8	1 16 –	18 6	9 –	10 3	7 4	5 9	– 6
Hebbert & Co.	10,000	3 15 6	1 5 –	1 11 –	13 7	3 15 2	1 5 –	3 15 2	1 5 –	3 15 2	1 5 –	1 10 10	13 7	1 16 –	18 7	8 10	7 9	6 6	5 –	– 5
Hamburgher & Co.	3,500	3 15 6	1 5 –	1 10 –	14 –	3 14 6	1 4 6	3 14 6	1 4 6	3 14 6	1 4 6	1 11 –	14 –	1 15 6	18 6	9 –	8 –	7 6	4 6	– 6
Isaacs, Campbell & Co.	9,000	3 7 3	1 2 3	1 8 10	13 11	3 9 3	1 2 3	3 2 9	1 2 3	3 15 3	1 2 3	1 10 9	13 11	1 16 –	18 6	9 –	—	—	—	—
Ireland & Co.	3,000	3 16 –	1 5 –	1 10 –	14 –	3 16 –	1 5 –	3 16 –	1 5 –	3 16 –	1 5 –	1 10 –	14 –	1 15 –	18 –	9 –	10 6	7 6	5 6	– 6
M'Birney & Co.	– –	3 – –	1 4 –	1 6 6	12 6	4 15 –	1 4 –	4 15 –	1 4 –	4 15 –	1 4 –	1 10 –	12 6	1 16 –	16 –	8 3	6 –	8 –	4 –	– 4
M'Gee & Co.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
M'Swiney & Co.	– –	3 18 –	1 4 9	1 10 –	13 9	3 16 –	1 5 –	3 16 –	1 5 –	3 16 –	1 5 –	1 10 6	13 9	1 14 9	18 3	9 0 buglers 8 10	—	—	—	—
Prater & Co.	5,000	3 14 9	1 5 –	1 10 –	13 6	3 14 9	1 5 –	3 14 9	1 5 –	3 14 9	1 5 –	1 10 9	13 6	1 16 –	18 6	8 11	8 3	7 –	4 9	– 6
Shaw & Co.	4,000	3 10 6	1 5 6	1 12 –	14 –	3 15 –	1 5 6	3 11 –	1 5 6	3 18 –	1 5 6	1 11 –	14 –	1 17 6	19 –	9 3	8 –	7 6	4 6	– 6
Sykes & Hull	3,000	3 18 –	1 2 6	1 10 –	14 –	3 16 –	1 2 6	3 16 –	1 2 6	3 16 –	1 2 6	1 11 –	14 –	1 15 –	16 –	8 –	8 6	3 6	4 –	– 6
Stephens & Clarke	6,000	3 18 7	1 5 3	1 10 –	13 6	3 16 6	1 5 3	3 16 6	1 5 3	3 16 6	1 5 3	1 11 –	13 6	1 16 –	18 6	8 10	8 –	7 –	5 –	– 6
Tait & Co.	3,000	3 9 3	1 1 –	1 9 6	13 10	3 8 9	1 1 –	3 8 9	1 1 –	3 8 9	1 1 –	1 10 3	13 10	1 15 6	18 –	8 10	6 6	4 6	4 6	– 4½

RETURN

RETURN of Prices Charged for Making-up the Clothing for the Regiments in *India*.

	CONTRACTORS.							
	TAIT & CO.		SYKES & HULL.		DOLAN & CO.		HEBBERT & CO.	
	Jackets.	Trowsers.	Jackets.	Trowsers.	Jackets.	Trowsers.	Jackets.	Trowsers.
Regiments of the Line:	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*
Sergeant-major - - -	8 –	2 9	- -	- -	20 –	2 6	30 8	5 –
Quartermaster-sergeant -	8 –	2 9	- -	- -	16 –	2 6	27 –	5 –
Drum-major - - -	8 –	2 9	- -	- -	16 –	2 6	27 –	5 –
Bandmaster - - -	8 –	2 9	- -	- -	16 –	2 6	17 –	5 –
Bandsmen - - -	3 6	1 8	- -	- -	3 –	1 5	3 –	1 8
Drummers - - -	2 6	1 2	- -	- -	3 –	1 5	2 1	1 3
Sergeants - - -	3 6	1 8	- -	- -	3 3	1 5	3 8	1 8
Privates - - - -	2 1	1 2	2 6	1 4	2 4	1 2	2 1	1 3
Rifle Regiments:								
Sergeant-major - -	8 –	2 5	- -	- -	20 –	2 6	60 –	5 –
Quartermaster-sergeant -	8 –	2 5	- -	- -	16 –	2 6	53 3	5 –
Drum-major - - -	8 –	2 5	- -	- -	16 –	2 6	53 3	5 –
Bandmaster - - -	8 –	2 5	- -	- -	16 –	2 6	32 1	5 –
Bandsmen - - -	3 6	1 6	- -	- -	3 –	1 5	2 10	1 8
Drummers - - -	2 6	1 –	- -	- -	3 –	1 5	2 10	1 8
Sergeants - - -	3 4	1 6	- -	- -	3 7	1 5	4 2	1 8
Privates - - - -	2 –	1 –	2 6	1 4	2 4	1 2	2 1	1 1½

J. S. Elliot,
Superintendent Army Clothing Dept.

RETURN of the Names of Officers, and of all other Persons employed at the Army Clothing Depôt, *Weedon*, stating the Salary in each Case.

		s. d.			*s. d.*	
Clerk - - -	Wm. Green.		Viewers - - -	E. Mansbridge -	3 8	per day.
Ditto - - -	James Moore.		Ditto - - -	George Marsh -	4 6	„
Ditto - - -	J. C. Angell.		Ditto - - -	Edward Stocker -	3 8	„
Ditto - - -	Wm. D. Bennett.		Ditto - - -	Edward Thornton -	3 8	„
Ditto - - -	Wm. J. Baker.		Ditto - - -	Wm. Walters -	3 8	„
Ditto - - -	Thos. Sparkes.		Ditto - - -	T. Wingrove -	3 8	„
Ditto - - -	Thos. G. Stack.					
Ditto - - -	J. Eagle.		Chief packer - -	Thos. Daley - -	7 –	„
1st Inspector - Cloth	Hy. Hoile.		Police sergeant - -	Thos. Charley -	2 2	„
2d ditto Saddlery	Wm. Smith.					
3d ditto - Cloth	Thos. H. Mallett.		Police - - -	John Bissiker -	1 8	„
4th ditto Necessaries	J. C. Gray.		Ditto - - -	Saml. Dainty -	1 8	„
5th ditto - Boots	N. Watson.		Ditto - - -	Wm. Johnston -	1 8	„
6th ditto - ditto	J. L. Folkerd.		Ditto - - -	Thos. Robinson -	1 8	„
		s. d.				
Foreman - - -	Saml. Boyd - -	7 – per day.	Office-keeper - -	T. Sims - -	21 –	per week.
Ditto - - -	George Cook -	7 – „	Messenger - -	Fredk. Paisey -	2 6	per day.
Ditto - - -	Alex. Brodie -	7 – „	Gatekeeper - -	John Barge - -	17 6	per week.
Viewers - - -	John Hebden -	7 – „	Painter - - -	Robert Eary -	4 –	per day.
Ditto - - -	Thos. Allen - -	3 8 „	Carpenter - - -	Jas. Franklin -	4 6	„
Ditto - - -	J. Angles - -	5 – „	Smith - - -	Wm. Hanley -	4 6	„
Ditto - - -	Wm. Dee - -	5 – „	Cooper - - -	George Watts -	4 –	„
Ditto - - -	John Elmer - -	3 8 „				
Ditto - - -	J. Groves - -	3 8 „				

		s.	d.					s.	d.	
Labourer	Thos. Allen	2	6	per day.	Labourer	George King	2	6	per day.
Ditto	Wm. Adams	2	6	„	Ditto	E. Leader	2	6	„
Ditto	Wm. Butlin	2	6	„	Ditto	Wm. Littlemore	2	6	„
Ditto	Jas. Bradgate	2	6	„	Ditto	James Loveday	2	6	„
Ditto	H. Brownjohn	2	6	„	Ditto	John Loveday	2	6	„
Ditto	Hy. Brown	2	6	„	Ditto	T. Mann	2	6	„
Ditto	Thos. Basford	2	6	„	Ditto	J. Martin	2	6	„
Ditto	Robert Basford	2	6	„	Ditto	Chas. Marting	2	6	„
Ditto	Josh. Basford	2	6	„	Ditto	John M'Kay	2	6	„
Ditto	Wm. Buckley	2	6	„	Ditto	Edw. Mudiman	2	6	„
Ditto	Wm. Bush	2	6	„	Ditto	J. Munday	2	6	„
Ditto	Robert Bartrum	2	6	„	Ditto	D. Muscott	2	6	„
Ditto	George Bodhouse	2	6	„	Ditto	Fredk. Muscott	2	6	„
Ditto	Reuben Cardy	2	6	„	Ditto	George Noon	2	6	„
Ditto	Fredk. Clark	2	6	„	Ditto	Wm. Osborn	2	6	„
Ditto	Henry Clark	2	6	„	Ditto	T. O'Sullivan	2	6	„
Ditto	Lawrence Clark	2	6	„	Ditto	E. Parry	2	6	„
Ditto	Robert Cook	2	6	„	Ditto	J. Phillips	2	6	„
Ditto	James Cook	2	6	„	Ditto	W. Phillips	2	8	„
Ditto	Charles Cousins	2	6	„	Ditto	J. Peirce	2	8	„
Ditto	James Cooney	2	6	„	Ditto	J. Potter	2	6	„
Ditto	Eli Cotes	2	6	„	Ditto	W. Quelch	2	6	„
Ditto	Thos. Crawley	2	6	„	Ditto	J. Riley	2	6	„
Ditto	James Cole	2	6	„	Ditto	R. Reeves	2	6	„
Ditto	Thos. Cosford	2	6	„	Ditto	J. Rogers	2	6	„
Ditto	James Cummins	2	6	„	Ditto	Hy. Shirley	2	6	„
Ditto	Michael Duffy	2	6	„	Ditto	J. Southgate	2	6	„
Ditto	J. Dunt	2	6	„	Ditto	J. Stevens	2	6	„
Ditto	John Daley	2	6	„	Ditto	S. Sutton	2	6	„
Ditto	Richard Denny	2	6	„	Ditto	J. Thomson	2	6	„
Ditto	Thos. Donaghue	2	6	„	Ditto	T. Thomson	2	6	„
Ditto	Charles Field	2	6	„	Ditto	W. Thorney	2	6	„
Ditto	James Field	2	6	„	Ditto	J. Thwaite	2	6	„
Ditto	Ebenr. Gudgeon	2	6	„	Ditto	G. Towers	2	6	„
Ditto	Parker Gudgeon	2	6	„	Ditto	J. Towers	2	6	„
Ditto	Thos. Gudgeon	2	6	„	Ditto	G. H. Wynne	2	6	„
					Ditto	Wm. Witham	2	6	„
Ditto	Saml. Greenham	2	6	„					
Ditto	E. Groves	2	6	„					
Ditto	W. Hall	2	6	„					
Ditto	J. Handcock	2	6	„	Female assistant	Clara Benn	1	8	„
					Ditto	Elizth. Elmer	1	8	„
Ditto	J. Holmes	2	6	„	Ditto	Anne Field	1	8	„
Ditto	W. Hore	2	6	„					
Ditto	T. Horton	2	6	„	Ditto	Emily Hall	1	8	„
Ditto	John Izzard	2	6	„	Ditto	M. A. M'Donald	1	8	„
					Ditto	Anne Pierce	1	8	„
Ditto	Wm. Joss	2	6	„					
Ditto	Hy. Johnstone	2	6	„	Ditto	Isabella Potter	1	8	„
Ditto	John King	2	6	„	Ditto	A. Walsh	1	8	„

RECAPITULATION.

Clerks.	Inspectors.	Foremen.	Viewers.	Chief Packers.	Police.		Office Keeper.	Messenger.	Gate Keeper.	Labourers.	Women.
					Sergeant.	Privates.					
8	6	3	12	1	1	4	1	1	1	88	8

Appendix. No. 3.

COMPARATIVE COST of the OLD and PROPOSED CLOTHING for the Line, taking into Account the Expenses of the Establishment at *Weedon*.

	£.	s.	d.
Old tunic, trowsers, and chaco - - - - - - - - - - -	1	16	6
Proposed tunic, trowsers, and chaco, including the expenses at Weedon, packing and carriage - - - - - - - - - - - -	1	16	9½

N.B.—The expense of carriage and packing is not included in the cost of the old clothing

J. S. Elliot,
Supt. Army Clothing Dept.

COMPARATIVE QUALITY and COST of the OLD GREAT COAT for the Infantry Soldier, with the Cost of that to be issued in future.

The price of the present great coat is 14*s.* 6*d.*

There has been no alteration made in the great coat as yet, and the quality of the future supply being still undetermined, it is impossible at present to state what may be the comparative cost.

J. S. Elliot,
Supt. Army Clothing Dept.

STATEMENT of the COMPLAINTS addressed by Commanding Officers of Militia as to the Quality of BOOTS issued from *Weedon* in 1856 to their respective Corps.

Date.	FROM WHOM.	COMPLAINT.	HOW REMEDIED.
1856 : April 16	Officer commanding South Devon Militia.	- - That two pairs of boots had been opened and found to contain leather shavings, the supply otherwise of strong materials, and well made.	- - One portion of the ingredients submitted being good, and the whole objection resting upon the small portion of currier's shavings complained of, there were not sufficient grounds to withhold their issue.
May 3	Officer commanding Donegal Militia.	- - 63 pairs of boots condemned for bad workmanship and materials.	- - Will be exchanged on an equal number being returned to Weedon.
June 18	Officer commanding Waterford Artillery.	- - General bad quality of 60 pairs.	- - Authorised to obtain an equal number, 60 pairs, from a Waterford tradesman, and to return those complained of to Weedon.
May 8	Officer commanding 1st Royal Surrey Militia.	- - Complaining of the quality of one boot.	Replaced by another.

J. S. Elliot,
Superintendent of Army Clothing.

Appendix, No. 4.

PAPERS furnished by *Samuel Petrie*, Esq.

Form of Contract used in the Commissariat Department.

Bread Tender.—*Counties.*

The undersigned hereby offers to contract for supplying all Her Majesty's Land Forces, which now are, or hereafter may be, in the hereinafter mentioned county or counties, and during their continuance therein, as well in quarters as in barracks, huts, or tents (Aldershott excepted), with such quantities of well-baked Bread, as may be required, upon the following conditions; viz.:—

I. The bread shall be made from good, sound, sweet, and dry British or foreign wheat, in the proportion of one-third of *white* to two-thirds of *red* wheat, to be dressed through wire No. 60, without any adulteration whatsoever; and shall be of the quality denominated "Best Seconds," in the baking of which leaven shall not be used, except where yeast cannot possibly be had; and the same shall be properly baked and of unexceptionable quality. Quality.

II. The contractor shall deliver daily, or every two days, as may be required, by himself or his agents, and at his own expense, at the barracks, huts, tents or quarters, where any troops may be stationed, such quantities of bread as may from time to time be demanded of him; the bread to be delivered in loaves weighing four pounds, and at the rate of one such loaf to every non-commissioned officer and private soldier for every four days; and previously to the delivery of such bread, the contractor shall, if required by the commanding officer, weigh the same at his own expense, and with proper scales and weights to be provided by him for that purpose. Delivery, mode of. Weighing, mode of.

III. Every month the contractor or his agent is to take a receipt in the Form annexed, No. 1; which receipt, with a copy thereof, is to be forwarded by him to the Accountant-general, War Department, Pall Mall, in support of his claim for payment. Receipt, form of.

IV. The contractor is to appoint one agent, at least, in every market town, for the supply of bread to the troops; and all such agents shall exhibit the words, "Army Baker," in a conspicuous manner over their doors; and the contractor shall, whenever required by the Deputy Commissary-general, or other officer of the Commissariat acting for him, remove, without delay or evasion, any agent whom the Deputy Commissary-general, or other officer of the Commissariat acting for him, may object to; and shall appoint another in his place, whom the Deputy Commissary-general, or other officer of the Commissariat acting for him, shall approve of; the name and address of every such agent shall be forthwith reported to the Deputy Commissary-general: and if the contractor shall fail to remove any agent when called upon to do so by the Deputy Commissary-general, or other officer of the Commissariat acting for him, then the Deputy Commissary-general, or other officer of the Commissariat acting for him, shall be at liberty to remove the agent objected to, and to appoint another in his place. Agents to be appointed or superseded, when required.

V. For every loaf of bread weighing four pounds, delivered under this agreement, the contractor is to receive the price inserted opposite the county or counties in the annexed list. Price.

VI. Commanding officers of regiments and depôts are to transmit to the contractor not later, under any circumstances, than the third of the month following that in which supplies may have been made, a receipt signed by the Quartermaster, and countersigned by the officer commanding the regiment or depôt, according to the Form No. I, subjoined, for the aggregate deliveries to each regiment in each county, and when the said contractor shall have received such receipt, but not before, he shall furnish the Accountant-general, War Department, Pall Mall, or such other person as may be authorised by him, with an account in original and duplicate according to Form No. III, subjoined; and when the regimental returns warranting the number of loaves of bread supplied by the contractor shall have been received in the Accountant-general's office, from the examiner, War Department, Horse Guards (which, however, are not expected to be received until the first day of the second month following that in which the supplies may have been delivered), and such account shall have been examined and found correct, and not to exceed, in any case, the quantities warranted by such regimental returns, the contractor shall be paid by an order which will be transmitted to him by the Accountant-general, or other person acting on his behalf, authorising the contractor to draw a bill of exchange at seven days' sight on Her Majesty's Paymaster-general, Whitehall, London. It is to be clearly understood by the contractor that all claims which may arise under this agreement shall be preferred and substantiated within three calendar months after the last day of the month in which the supplies may have been made, otherwise such claims shall be considered null and void, and shall not afterwards be entertained. Payment, mode of. Claims not preferred within three months forfeited.

VII. In

Payment, mode of.

VII. In no case will the contractor be paid by the Accountant-general for more than the quantity warranted by the Examiner; and should the contractor have supplied more than such quantity, his claim for payment of the excess must be made by him upon the commanding officer of the regiment or corps to which the bread shall have been supplied; but without prejudice to his just claim against the public for the whole quantity supplied, should settlement with the commanding officer prove impracticable, and the regimental receipt to be produced according to Form No. I, subjoined, for the aggregate supplies to the regiment within the county and month, show a larger quantity to have been supplied than may have been warranted.

Militia, Local Militia, and Volunteers.

VIII. In the case of deliveries made to regiments of militia, local militia, or volunteers (who have not come under the fourpence-halfpenny ration stoppage), when the price of the bread issued does not exceed the stoppage of sixpence per loaf, the contracter shall receive the amount, from the Paymaster, either in cash or by bill on the agent of the corps, at thirty days' sight; but in case the price of the loaf should exceed the stoppage of sixpence which the contractor is to receive from the paymaster, then the contractor shall, immediately after the last day of each month, furnish the Accountant-general aforesaid, or such person or persons as may be authorised by him, with an account in duplicate, according to the subjoined Form No. III., accompanied by the regimental account, No. IV., in support thereof, and the excess shall be paid by an order which will be transmitted to him by the Accountant-general, authorising him to draw a bill at seven days' sight on Her Majesty's Paymaster-general. And it is to be clearly understood by the contractor, that all claims which may arise under this agreement shall be preferred, and substantiated by the proper vouchers, within three calendar months after the last day of the month in which the supplies may have been made, otherwise such claims shall be considered null and void, and shall not afterwards be entertained.

Claims not preferred in Three Months forfeited.

Additional rations.

IX. The contractor is to furnish such quantity of bread, from time to time, in addition to the ration, as may be required by commanding officers of regiments, or detachments; not exceeding half a pound per diem for every non-commissioned officer and soldier, and the same is to be paid for monthly, by the Paymaster, separately and distinctly from the ordinary ration; but it shall not be compulsory on commanding officers to have recourse to the contractor on all occasions for such supplies.

Marines.

X. All corps or detachments of Royal Marines shall be supplied with bread by the contractor, when required, upon the same terms and conditions as all other troops, excepting that the accounts for any supplies delivered to them shall be made out according to the form which may be prescribed: and payment shall be made to the contractor by the respective Paymasters of such corps, or by the Marine Pay Office, either in money or by bills, to be drawn by them at ten days' sight, for the full amount at the contract price.

Purchase in default of supply.

XI. In case the contractor shall fail to deliver, at the times and places required, the quantities of bread demanded by the troops, or shall make deliveries which shall be declared, in the manner hereinafter mentioned, to be of an improper quality, the Deputy Commissary-general, or other officer of the Commissariat acting for him, or the officers commanding regiments or detachments, shall be at liberty to purchase the supplies required to make good such deficiencies of quantity or quality, in such manner as may be most convenient to them, at the expense of the contractor; and he shall be bound to defray all the costs and charges attendant upon such purchase, in such manner as the Deputy Commissary-general aforesaid, or other officer of the Commissariat acting for him, may direct, and the contractor shall be allowed for the bread so purchased, at and after the rate of the contract price only.

Board of Survey.

XII. Any officer commanding a regiment or detachment shall be at full liberty, in case he sees cause to object to the quality of the bread tendered, to appoint, by an order under his hand, according to the Form No. V., a Board consisting of three officers (one of whom shall be of the rank of field officer or captain, if possible), to inspect the same; and in case such Board shall be of opinion that the bread is not of proper quality and is unfit to be issued to the troops, they shall make out and sign a report, according to the Form hereunto annexed, No. VI., and thereupon the said bread shall be rejected without further appeal, and the officer commanding may, if he think fit, direct a quantity of bread to be purchased, not exceeding the quantity declared in such report to be unfit for the use of the troops.

Appeal when Board of Survey cannot be held.

XIII. If from the smallness of the detachment, or any other cause, a Board of officers cannot be assembled, and the contractor, or his agent, shall object to the grounds upon which the bread tendered by him may have been refused or rejected, he shall be allowed an appeal to the judgment of three respectable persons, one to be appointed by himself, one by the commanding officer, and a third to be chosen by these two; and the decision of the majority of the persons so referred to upon the point, "whether the bread is, or is not, of a proper quality for the use of the troops, according to the meaning of the contract," shall be final and binding upon both parties; and the report of the Board of officers, or the award of the arbitrators, shall be transmitted by the officer commanding to the Deputy Commissary-general aforesaid, with a statement of the quantity and price of the bread purchased in consequence of such rejection.

XIV. If

XIV. If the bread shall become sour or unwholesome within two days after it is delivered, it may be returned to the contractor, who shall exchange it forthwith for unobjectionable bread. — Bread may be rejected if sour within two days.

XV. The contractor shall furnish the supplies himself, and shall not enter into agreement with sub-contractors without the consent or approval of the Deputy Commissary-general aforesaid. And before any payment be made to the contractor he shall transmit to the Deputy Commissary-general a list of the names and addresses of his several agents, and shall notify to the Deputy Commissary-general any change that he may at any time make of them. — No sub-contracts to be made without authority.

XVI. The contractor, his agents, or assistants, shall not on any account enter into any composition for paying money or any other compensation in lieu of, or repurchase any bread which shall have been, or ought to be delivered, under the penalty of paying to the Accountant-general aforesaid, for the use of Her Majesty, ten times the value of all such bread as shall be so compounded for, or repurchased. — No composition in lieu of supply.

XVII. The contractor will also covenant and promise that he will not give, nor cause to be given to any person whomsoever employed in Her Majesty's service, nor to any person or persons on their or any of their behalf, or for their or any of their use, any fee, gratuity, or reward, for any favour shown to him or his agents in relation to this contract, on any pretence whatever on account thereof. — No gratuities to any persons concerned.

XVIII. The contractor will find good and sufficient security, to the satisfaction of the Deputy Commissary-general aforesaid, in the penalty specified in the statement annexed, for the due performance of the contract; which contract shall commence on the first day of June 1856, and continue in force for six calendar months; but the Deputy Commissary-general aforesaid shall have full power and authority to terminate the said contract by giving one month's notice to the contractor, or his agents, for that purpose. — Sureties and commencement of contract.

XIX. Provided also, and it is hereby further expressly declared and agreed to by the contractor, that no Member of the House of Commons shall be admitted to any share or part of this agreement, or to receive any benefit to arise therefrom; and in case the contractor shall admit any Member or Members of the House of Commons to any part or share in this agreement, or to receive any benefit thereby, then and in such case, and over and above the usual penalty by law annexed to the commission of such offence, it shall and may be lawful to and for the Deputy Commissary-general aforesaid, upon satisfactory proof made to him of the commission of the said offence, and upon due notice in writing given of such proof to the contractor, to be left at his usual place of abode, to declare and determine this present agreement to be from thenceforth void, and the same shall immediately thereafter cease, determine, and be void accordingly, anything herein contained to the contrary thereof in anywise notwithstanding. — No Member of the House of Commons to be a contractor.

XX. The person or estate of the Deputy Commissary-general aforesaid, or other officer of the Commissariat, acting in his stead, shall not be held responsible for the performance of any of the covenants in this contract. — Person and estate of the Deputy-Commissary-general not liable

XXI. If these proposals shall be accepted by the Deputy Commissary-general aforesaid, he shall give the contractor eight days' notice of it previous to the issuing of bread; and he may direct the proper contract to be drawn out accordingly, or this tender to be stamped, which shall then be, to all intents and purposes, binding upon both the parties. — Contract to be drawn, or terms stamped.

XXII. The contractors for North and South Wales and for Devon shall keep a small supply of biscuit of approved quality sufficient for one day's issue per week to the detachments at Stack Rock, and Thorn Island, in Milford Haven, and St. Nicholas Island, Devonport, and for use whenever the communication with the main land may be prevented by stress of weather, and in consequence thereof the supply of bread interrupted. — Stack Rock and St. Nicholas Island.

XXIII. The Deputy Commissary-general aforesaid does not bind himself to accept the lowest Tender, and he reserves to himself the right of rejecting all or any of the Tenders. — Right of rejecting tenders.

COUNTIES.	Penalty.	Price per Four Pound Loaf. (In words at length.)
	£.	
Bedford - - - - - -	100	
Berks (including Hungerford) -	200	
Bucks - - - - - -	100	
Cambridge (including Newmarket)	100	
Chester - - - - - -	200	
Cornwall (including Scilly) - -	100	
Cumberland - - - - -	100	
Derby - - - - - -	100	
Devon (including bread and biscuit at St. Nicholas Island) -	500	

(continued)

Appendix, No. 4.

COUNTIES.	Penalty.	Price per Four Pound Loaf. (In words at length.)
	£.	
Dorset - - - - -	200	
Durham (including Holy Island) -	200	
Essex (excluding Tilbury Fort) -	100	
Gloucester (including Bristol) -	100	
Hants (exclusive of Aldershott) -	500	
Hereford - - - - -	100	
Hertford - - - - -	100	
Hunts - - - - -	100	
Isle of Wight - - - -	100	
Kent (including Tilbury Fort) -	1,000	
Lancaster - - - - -	500	
Leicester - - - - -	100	
Lincoln - - - - -	100	
Middlesex - - - - -	500	
Monmouth - - - - -	100	
Norfolk - - - - -	200	
Northampton - - - -	200	
Northumberland (including Berwick-upon-Tweed) - - -	200	
Nottingham - - - -	200	
Oxford - - - - -	100	
Rutland - - - - -	100	
Salop - - - - -	100	
Somerset - - - - -	100	
Stafford - - - - -	200	
Suffolk - - - - -	200	
Surrey - - - - -	200	
Sussex - - - - -	200	
Warwick - - - - -	200	
Westmorland - - - -	100	
Wilts - - - - -	100	
Worcester - - - - -	100	
York - - - - -	500	
Isle of Man - - - -	100	
North and South Wales (including bread and biscuit at Stack Rock and Thorn Island) - - -	100	

Dated at this day of 185 .

}of

To
The Deputy Commissary-general,
No. 5, New Street, Spring Gardens, London,

Sir,

If these proposals shall be accepted by the Deputy Commissary-general, we hereby engage to become bound with in the penalty affixed to the county or counties for which he has made an offer for the due performance of such contract as may be entered into by virtue of this Tender.

Dated at this day of 185 .

}of

}of

To
The Deputy Commissary-general,
No. 5, New Street, Spring Gardens, London.

N.B.—The occupation and residence of the party tendering, and of his sureties, must be inserted opposite their respective names, also their Christian names must be written at length.

The Tender to be addressed to the Deputy Commissary-general, No. 5, New Street, Spring Gardens, London, and marked on the outside, "Tender for Bread."

Form

FORM, No. I.

Dates		Number of	
From	To	Men.	Loaves.	

County of Town of
this day of 18 .
I hereby acknowledge to have received from
per Mr.
loaves of bread for the use of the non-commissioned officers, drummers, fifers, and privates of the regiment of during the month of , as per margin.
(signed)
Quartermaster.
Countersigned
Officer Commanding Regiment or Depôt.

N. B.—This receipt, containing the whole of the supplies of bread to the regiment, within the county and month, is to be signed by the Quartermaster, and countersigned by the officer commanding the regiment or depôt, and to be handed or sent to the contractor on the day on which the original and duplicate warrants are dispatched to the War Departments, Horse Guards, and Pall Mall, not later under any circumstances than the 3d of the month following that in which the supplies may have been made, first recalling any daily or temporary receipt or receipts which may have been previously furnished to the contractor.

FORM, No. II.

ACCOUNT of BREAD supplied by
of to the undermentioned regiments, stationed in the following county during the month of 185 .

County.	Regiments, to be arranged in Numerical Order.	4 lb. Loaves of Bread.		Total Amount of the several Regiments in the County.
		Number of	Price per Loaf.	
		TOTAL - - - £.		

Signature Contractor.
Date 185 .

N. B.—All accounts must be made out in original and duplicate (that is in two parts, or one account and a copy or counterpart thereof), on two whole sheet printed forms, and forwarded to the Accountant-general, War Department, Pall Mall, London, giving therein the full christian, surname, and address of the contractor, and in no case whatever are supplies for two or more counties, or for two or more months, to be included in one and the same account; nor are the supplies for the regular Artillery or Militia regiments to be blended together in one and the same claim, but a separate account in duplicate is to be rendered for each.

Appendix, No. 4.

FORM, No. III.

For BREAD supplied Militia, Local Militia, and Volunteers.

ACCOUNT of BREAD supplied by to the undermentioned corps of Militia, Local Militia, and Volunteers stationed in the following counties, from the 1st to the 30th (or 31st) day of 18 , both days inclusive, by contract with the Commissariat Department.

Places of Delivery.	Names of Regiments.	Number of Account.	Number of Loaves supplied.	Price per Loaf.	Amount.		
Deduct the amount of stoppages, at 6 *d.* per loaf on loaves							
Amount to be paid by the Accountant-general - - - -							
(signed)							

FORM, No. IV.

ACCOUNT of BREAD supplied by to the Non-commissioned Officers and Privates of the Regiment of , from the 1st to the 30th (or 31st) day of , both days inclusive.

Places and Days of Delivery.	Number of Non-commissioned Officers and Privates present.	Number of Loaves delivered of 4 lbs. each.	Contract Price of Bread per Loaf.
TOTAL - - -			

WE do hereby certify upon honour, that the non-commissioned officers and privates for whom a charge is made in the above account, were effective and present at the period specified, and that the quantities of bread, as stated, were actually delivered to them according to the rates and prices therein stated. We further certify, that no charge is made for bread supplied to the non-commissioned officers and privates while on a march, and victualled by the innkeepers, nor in hospital, and that there are no claims on the contractor for bread purchased in consequence of his neglecting to provide it.

Commanding Officer.
Paymaster.
Adjutant.

Dated at
this day of 18 .

hereby certify, that have received of the Paymaster, by bill on the agent of the regiment, £. being the amount of stoppages on loaves, at 6 *d.* per loaf.

(signed)

Appendix, No. 4.

No. V.

FORM of ORDER for SURVEY of BREAD.

By Lieutenant-Colonel _____

Commanding the_____Regiment.

IT having been reported to me that a certain quantity of bread has this day been offered or delivered by the contractor or his agent at of an inferior quality, you are hereby directed to attend at and carefully to survey and examine the said bread, and make a report to me, in writing, of the quantity, quality, and condition thereof, having reference to the terms of the contract herewith communicated.

Field Officer or Captain _____ Signed _____

Surgeon _____ Lieutenant-Colonel Commanding.

Subaltern _____ Date _____

No. VI.

To Lieutenant-Colonel _____

Commanding the_____Regiment.

PURSUANT to the annexed order, we, whose names are hereunto subscribed, attended at and have carefully examined the quantity, quality, and condition of the bread delivered this day by the contractor or his agent, and having referred to that part of the contract under which the bread is supplied, which describes the quality which the contractor is therein bound to furnish, we certify as follows; that pounds of bread are not equal to the contract; that the same is [here describe the bad quality] and consequently in our opinion unfit to be issued to the troops.

And we do further certify, that we have made this inspection and survey with such care, attention, and equity, that, if required, we are ready to make a legal and solemn declaration as to the impartiality of our proceedings.

In witness whereof, we have hereunto set our hands, this _____day of _____ 185 .

TENDER for BEEF and MUTTON.—*Counties.*

THE undersigned hereby offers to contract for supplying all Her Majesty's land forces, including all staff and regimental officers and their families, which now are, or hereafter may be, in the hereinafter mentioned county or counties, and during their continuance therein, as well in quarters as in barracks, huts, or tents (Aldershott excepted), with such quantities of properly fed, good, sound, sweet and wholesome fresh Beef and Mutton as may be required upon the following conditions; viz.— Quality.

I. The beef shall be ox or heifer, of not more than four years old, the mutton wether or ewe, and none other shall be tendered to the troops. But the contractor will not be bound to supply mutton in a greater proportion than one-third to every two-thirds of beef, though no objection will be made to the supply in any other proportion, if the commanding officers of regiments or detachments shall think fit to receive it, and the contractor shall be willing to supply it. Quantity.

II. The contractor shall deliver, by himself or his agents, and at his own expense, at the barracks, quarters, huts, or tents where any troops may be stationed, such quantities of beef and mutton as may from time to time be demanded, not exceeding the above proportion of mutton to beef; the beef shall be produced in quarters (the fore and hind quarters alternately, the bone from four inches above the knee and hock joints to be excluded), and the mutton in carcasses (excluding heads and feet), when the number of men present requires so large a quantity, and shall be cut up, divided, and weighed (at his the contractor's own expense, with proper scales and weights, to be provided by him for that purpose), in such proportions for the convenience of regiments or detachments as commanding officers may think proper to direct; and a receipt signed by commissioned officers in the form annexed (No. I.), shall be given to the contractor, or his agents, for the number of pounds of meat delivered monthly, according to the actual weight produced after the meat shall have been so cut up and divided as aforesaid; and all such receipts, with copies thereof, shall be produced for the inspection when required, of the Accountant-general (or other person acting for him), War Department, Pall Mall. Delivery, mode of. Weighing, mode of.

III. The consumption of the troops being at a rate not exceeding three pounds of meat to each non-commissioned officer and private soldier for every four days, the deliveries to each regiment or detachment shall be made by the contractor, his agents or servants, daily, or on every Consumption, rate of.

Appendix, No. 4.

every second or every third day, according as the state of the weather may appear to commanding officers to require; but the deliveries to the staff and regimental officers shall be made at such times as they may require, at the contractor's stores.

Supply of meat in Hospital.

IV. The contractor will furnish daily, or from time to time, such particular portions of beef or mutton suited to the use of sick soldiers in hospital, as may be demanded by the Purveyor of Hospitals or other authorized officer; and, on account of such particular parts, which must be always of the best quality, he will be allowed an additional halfpenny per lb., beyond the rate specified in his contract for the general supply to the troops.

Separate accounts to be kept, and mode of payment.

These supplies must form a separate account from the supplies to the troops in general, and they must be supported by the receipt or certificate of their delivery of the Purveyor of Hospitals, Surgeon, or other officer by whom they were demanded or received.

Payment for the meat supplied as above will be made by the Purveyor of Hospitals of the district, to whom the accounts must be sent.

Agents to be appointed, or superseded.

V. The contractor is to appoint one agent, at least, in every market town, for the supply of meat to the troops, and all such agents shall exhibit the words "Army Butcher" in a conspicuous manner over their doors; and the contractor shall, whenever required by the Deputy Commissary-general, or other officer of the Commissariat acting for him, remove, without delay or evasion, any agent whom the Deputy Commissary-general, or other officer of the Commissariat acting for him, may object to, and shall appoint another in his place, whom the Deputy Commissary-general, or other officer of the Commissariat acting for him, shall approve of; the name and address of every such agent shall be forthwith reported to the Deputy Commissary-general; and if the contractor shall fail to remove any agent when called upon to do so by the Deputy Commissary-general, or other officer of the Commissariat acting for him, then the Deputy Commissary-general, or other officer of the Commissariat acting for him, shall be at liberty to remove the agent objected to, and to appoint another in his place.

Price.

VI. For every pound avoirdupoise weight of beef or mutton delivered under this agreement the contractor is to receive the price inserted opposite the county or counties in the annexed list.

Payment, mode of.

VII. Immediately after the last day of the month in which any supplies may have been delivered, the said contractor shall furnish the Accountant-general, War Department, Pall Mall, or such other person as may be authorized by him, with an account in form hereunto subjoined (No. II.) in duplicate; and when the regimental returns, warranting the number of pounds of meat supplied by the contractor shall have been received from the Examiner, War Department, Horse Guards (which, however, are not expected to be received until the first of the second month following that in which the supplies may have been delivered), and such account shall have been examined and found correct, and not to exceed, in any case, the quantities warranted by such regimental returns, the contractor shall be paid by an order which will be transmitted to him by the Accountant-general, or other person acting on his behalf, authorising the contractor to draw a bill at seven days' sight on Her Majesty's Paymaster-general. And it is to be clearly understood by the contractor, that all claims which may arise under this agreement shall be preferred and substantiated within three calendar months after the same shall terminate, otherwise such claims shall be considered null and void, and shall not afterwards be entertained.

Claims not preferred within three months forfeited.

Payment, mode of.

VIII. In no case will the contractor be paid by the Accountant-general for more than the quantity warranted by the Examiner; and should the contractor have supplied more than such quantity, his claim for payment of the excess must be made by him upon the commanding officer of the regiment or corps to which the meat shall have been supplied; but without prejudice to his just claim against the public for the whole quantity supplied, should settlement with the commanding officer prove impracticable.

Militia, Local Militia, and Volunteers.

IX. In the case of deliveries made to regiments of militia, local militia, or volunteers (who have not come under the fourpence-halfpenny ration stoppage), when the price of the meat issued does not exceed the stoppage of sixpence per pound, the contractor shall receive the amount at the contract rate from the Paymaster, either in cash or by bill on the agent of the corps, at thirty days' sight; but in case the price of the meat should exceed the stoppage of sixpence, which the contractor is to receive from the Paymaster, then the contractor shall, immediately after the last day of each month, furnish the Accountant-general aforesaid, or such person or persons as may be authorised by him, with an account in duplicate, according to the subjoined form (No. III.), accompanied by the regimental account (No. IV.), in support thereof, and the excess shall be paid by an order which will be transmitted to him by the Accountant-general, authorising him to draw a bill, at ten days' sight, on Her Majesty's Paymaster-general.

Meat furnished to Officers.

X. In the case of deliveries made to regimental officers, the contractor, or his agents, shall be furnished with a weekly or monthly requisition, stating the quantity of meat required by each officer (which is not to exceed one pound of meat per day for himself, and the like quantity for each person composing his family), which requisition is to be signed by the officer, and certified by the commanding officer of the regiment; but with regard to the deliveries made to the general staff, the individual requisitions of the officers must be included in one general requisition, to be furnished in like manner, to be signed by the Assistant Adjutant-

Adjutant-general of the district. Payment for the full amount, at the contract price, for all such supplies so furnished to regimental officers, shall be made to the contractor, or his agents, by the Paymaster of each regiment; and for deliveries made to the general staff, payment shall be made to the contractor, or his agents, by each officer respectively.

Marines.

XI. All corps or detachments of Royal Marines shall be supplied, when required, with meat by the said contractor upon the same terms and conditions as all other troops, excepting that the accounts for any supplies delivered to them shall be made out according to the form which may be prescribed; and payment shall be made to the said contractor by the respective Paymasters of such corps, or by the Marine Pay Office, either in money, or by bills to be drawn by them at ten days' sight, for the full amount at the contract price.

Purchase in default of supply.

XII. In case the said contractor shall fail to deliver, at the times and places required, the quantities of meat demanded by the troops, or shall make deliveries which shall be declared in the manner hereinafter mentioned to be of an improper quality, the Deputy Commissary-general, or other officer of the Commissariat acting for him, or the officers commanding regiments or detachments, shall be at liberty to purchase the supplies required to make good such deficiencies of quantity or quality, in such manner as may be most convenient to them, at the expense of the contractor; and the contractor shall be bound to defray all the costs and charges attendant upon such purchase, in such manner as the Deputy Commissary-general, or other officer of the Commissariat acting for him, may direct, and the contractor shall be allowed for the meat so purchased at the amount of the contract price only.

Board of Survey.

XIII. The officer commanding any regiment or detachment shall be at full liberty, in case he sees cause to object to the quality of the meat tendered, to appoint, by an order under his hand, according to the Form No. V., a Board, consisting of three officers (one of whom shall be of the rank of field officer, if possible), to inspect the same; and in case such Board shall be of opinion that the meat is not of proper quality, and is unfit to be issued to the troops, they shall make out and sign a report, according to the form hereunto annexed, No. VI., and thereupon the said meat shall be rejected without further appeal, and the officer commanding may, if he think fit, direct a quantity of meat to be purchased, in lieu of that rejected, not exceeding the quantity declared in such report to be unfit for the use of the troops.

Appeal when Board of Survey cannot be held.

XIV. If, from the smallness of the detachment, or any other cause, a Board of officers cannot be assembled, and the said contractor, or his agent, shall object to the grounds upon which the meat tendered by him may have been refused or rejected, he shall be allowed an appeal to the judgment of three respectable persons, one to be appointed by himself, one by the commanding officer, and a third to be chosen by these two; and the decision of the majority of the persons so referred to upon the point, "whether the meat is or is not of a proper quality for the use of the troops, according to the meaning of the contract," shall be final and binding upon both parties; and the report of the Board of officers, or the award of the arbitrators, shall be transmitted by the officer commanding to the Deputy Commissary-general aforesaid, with a statement of the quantity and price of the meat purchased in consequence of such rejection.

No sub-contracts to be made without authority.

List of agents required.

XV. The contractor shall furnish the supplies himself, and shall not enter into agreement with sub-contractors without the consent or approval of the Deputy Commissary-general aforesaid, or other officer of the Commissariat acting for him. And before any payment be made to the contractor, he shall transmit to the Deputy Commissary-general a list of the names and addresses of his several agents, and shall notify to the Deputy Commissary-general any change that he may at any time make of them.

No composition in lieu of supply.

XVI. The contractor, his agents or assistants, shall not, on any account, enter into any composition for paying money or any other compensation in lieu of, or re-purchase any meat which shall have been, or ought to be delivered, under the penalty of paying to the Accountant-general aforesaid, for the use of Her Majesty, ten times the value of all such meat as shall be so compounded for or re-purchased.

No gratuities to any persons concerned.

XVII. The contractor will also covenant and promise that he will not give, nor cause to be given to any person whomsoever employed in Her Majesty's service, nor to any person or persons on their or any of their behalf, or for their or any of their use, any fee, gratuity, or reward for any favour shown to him or his agents in relation to this contract, on any pretence whatsoever on account thereof.

No Member of the House of Commons to be a contractor.

XVIII. No Member of the House of Commons shall be admitted to any share or part of this agreement, or to any benefit to arise therefrom; and in case the said contractor shall admit any Member or Members of the House of Commons to any part or share in this agreement, or to receive any benefit thereby, then, and in such case, and over and above the usual penalty by law annexed to the commission of such offence, it shall and may be lawful to and for the Deputy Commissary-general aforesaid, upon satisfactory proof made to him of the commission of the said offence, and upon due notice in writing given of such proof to the contractor, to be left at his usual place of abode, to declare and determine this present agreement to be from thenceforth void, and the same shall immediately thereafter cease, determine, and be void accordingly, any thing herein contained to the contrary thereof in anywise notwithstanding.

Sureties, and commencement of contract.

XIX. The contractor will find good and sufficient security, to the satisfaction of the Deputy Commissary-general aforesaid, in the penalty specified in the statement annexed for the

Appendix, No. 4.

the due performance of the contract, which contract shall commence on the 1st June 1856, and shall continue in force for six calendar months; but the Deputy Commissary-general aforesaid shall have full power and authority to terminate the said contract by giving one month's notice to the contractor, or his agents, to that effect.

Person and Estate of the Deputy Commissary-general not liable.

XX. The person or estate of the Deputy Commissary-general, or other officers of the Commissariat, shall not be held responsible for the performance of any of the covenants in this contract.

Contract to be drawn, or tender stamped.

XXI. If these proposals shall be accepted by the Deputy Commissary-general aforesaid, he shall give the contractor eight days' notice of it, previous to the issuing of fresh beef or mutton; and he may direct the proper contract to be drawn out accordingly, or this tender to be stamped, which shall then be, to all intents and purposes, binding upon both parties.

XXII. The contractors for North and South Wales and for Devon, shall keep a small supply of salt pork of the quality used by the Royal Navy, sufficient for one day's issue per week to the detachments at Stack Rock and Thorn Island, in Milford Haven, and St. Nicholas Island, Devonport, and for use whenever the communication with the main land may be prevented by stress of weather, and in consequence thereof the supply of fresh meat interrupted.

Right of rejecting tenders.

XXIII. The Deputy Commissary-general aforesaid does not bind himself to accept the lowest tender, and he reserves to himself the right of rejecting all or any of the tenders.

COUNTIES.	Penalty.	Price per Pound. (In words at length.) (It is to be understood that only one Price is to be charged for Beef and Mutton.)
	£.	
Bedford	200	
Berks (including Hungerford)	500	
Bucks	200	
Cambridge (including Newmarket)	200	
Chester	200	
Cornwall (including Scilly)	200	
Cumberland	200	
Derby	200	
Devon (including fresh and salt meat for St. Nicholas Island)	500	
Dorset	200	
Durham (including Holy Island)	200	
Essex (excluding Tilbury Fort)	200	
Gloucester (including Bristol)	200	
Hants (exclusive of Aldershott)	500	
Hereford	200	
Hertford	200	
Hunts	200	
Isle of Man	200	
Isle of Wight	200	
Kent (including Tilbury Fort)	1,000	
Lancaster	1,000	
Leicester	200	
Lincoln	200	
Middlesex	500	
Monmouth	200	
Norfolk	200	
Northampton	500	
Northumberland (including Berwick-upon-Tweed)	500	
Nottingham	500	
Oxford	200	
Rutland	200	
Salop	200	
Somerset	200	
Stafford	200	
Suffolk	200	
Surrey	200	
Sussex	500	
Warwick	200	
Westmorland	200	
Wilts	200	
Worcester	200	
York	500	
North and South Wales (including fresh and salt meat for Stack Rock and Thorn Island)	200	

Dated at this day of 185 . Appendix, No. 4.

}of

To
The Deputy Commissary-general,
No. 5, New Street, Spring Gardens, London.

Sir,

If these proposals shall be accepted by the Deputy Commissary-general, we hereby engage to become bound with in the penalty affixed to the county or counties for which he has made an offer, for the due performance of such contract as may be entered into by virtue of this tender.

Dated at this day of 185 .

}of

}of

To
The Deputy Commissary-general,
No. 5, New Street, Spring Gardens, London.

N.B.—The occupation and residence of the party tendering, and of his sureties, must be inserted opposite their respective names, also their christian names must be written at length.

The Tender to be addressed to the Deputy Commissary-general, No. 5, New Street, Spring Gardens, London, and marked on the outside "Tender for Meat."

Form, No. I.

Dates.		Number of	
From	To	Men.	Lbs. Meat.

County of Town of
this day of 18 .

I hereby acknowledge to have received from

pounds of good ox or heifer beef and good wether or ewe mutton for the use of non-commissioned officers, drummers, fifers, and privates of the regiment of from the day of to the day of both days inclusive, as per margin.

(signed) Quartermaster.

Countersigned
Commanding Officer.

Form, No. II.

Account of Meat supplied by
of to the undermentioned regiments, stationed in the following County, during the month of 185 .

County.	Regiments, to be arranged in Numerical Order.	Pounds of Meat.		Total Amount of the several Regiments in the County.
		Number of.	Price per lb.	
			Total - - - £	

Signature Contractor.

Date 185 .

 N.B.—

Appendix, No. 4.

N. B.—All accounts must be made out in original and duplicate (that is in two parts or one account, and a copy or counterpart thereof), on two whole sheet printed forms, and forwarded to the Accountant-general, War Department, Pall Mall, London, giving therein the full christian, surname, and address of the contractor, and in no case whatever are supplies for two or more counties, or for two or more months to be included in one and the same amount; nor are the supplies for the Regular Artillery or Militia regiments to be blended together in one and the same claim, but a separate account in duplicate is to be rendered for each.

FORM, No. III.

ACCOUNT of FRESH BEEF and MUTTON supplied by to the undermentioned Corps of Militia, Local Militia, and Volunteers, stationed in the following Counties, from the 1st to the 30th (or 31st) day of 18 , both days inclusive, by contract with the Commissariat Department.

Places of Delivery.	Names of Regiments.	Number of Account.	Number of lbs. of Meat supplied.	Price per lb.	Amount.		
Deduct the amount of stoppages, at 6 *d.* per lb. on lbs. - -							
Amount to be paid by the Accountant-general - - - - -							

(signed)

FORM, No. IV.

For FRESH BEEF and MUTTON supplied Militia, Local Militia, and Volunteers.

ACCOUNT of fresh Beef and Mutton supplied by to the Non-commissioned Officers and Privates of the regiment of , from the 1st to the 30th (or 31st) day of , both days inclusive.

Places and Days of Delivery.	Number of Non-commissioned Officers and Privates present.	Number of lbs. of Meat delivered.	Contract Price at per lb.
TOTAL - - -			

We do hereby certify upon honour, that the non-commissioned officers and privates for whom a charge is made in the above account, were effective and present at the period specified, and that the quantities of fresh beef and mutton, as stated, were actually delivered to them, according to the rates and prices therein stated. We further certify, that no charge is made for fresh beef and mutton supplied to the non-commissioned officers and privates while on a march, and victualled by the innkeepers, nor in hospital, and that there are no claims on the contractor for fresh beef and mutton purchased in consequence of his neglecting to provide it.

Commanding Officer.
Paymaster.
Adjutant.

Dated at
this day of 18 .

hereby certify, that have received of the Paymaster, by bill on the agent of the regiment, £. being the amount of stoppages on lbs. of meat at 6 *d.* per lb.

(signed)

No. V.

FORM of ORDER for SURVEY of BEEF and MUTTON.

By Lieutenant-Colonel _____

Commanding the _____ Regiment.

IT having been reported to me that a certain quantity of meat has this day been offered or delivered by the contractor, or his agent, at _____ of an inferior quality, you are hereby directed to attend at _____ and carefully to survey and examine the said meat, and make a report to me, in writing, of the quantity, quality, and condition thereof, having reference to the terms of the contract herewith communicated.

Field Officer or Captain _____ signed _____

Surgeon _____ Lieutenant-Colonel Commanding.

Subaltern _____ Date _____

FORM, No. VI.

To Lieutenant-Colonel _____

Commanding the _____ Regiment.

PURSUANT to the annexed order, we whose names are hereunto subscribed, attended at _____ and have carefully examined the quantity, quality, and condition of the meat delivered this day by the contractor or his agent, and having referred to that part of the contract under which the meat is supplied, which describes the quality which the contractor is therein bound to furnish, we certify as follows: That _____ pounds of meat are not equal to the contract; that the same is [here describe the bad quality], and consequently in our opinion unfit to be issued to the troops.

And we do further certify, that we have made this inspection and survey with such care, attention, and equity, that, if required, we are ready to make a solemn declaration to the impartiality of our proceedings.

In witness whereof, we have hereunto set our hands, this _____ day of _____ 185 .

EXTRACT from CODE of REGULATIONS and INSTRUCTIONS for conducting the Duties of the COMMISSARIAT DEPARTMENT, pp. 139–145.

STORES and PROVISIONS.

Advertisements, Tenders, and Contracts.

346. ALL supplies and services which may be required on the public account, are to be provided, if possible, by public tender; but should it, under extraordinary circumstances, be considered desirable to purchase supplies, or enter into engagements for services, without a contract, the necessity for such arrangements is to be forthwith reported to the Treasury Board.

347. When an officer in charge of the Commissariat may have occasion to provide any supply, he will, in communication with the officer commanding the forces, publish an advertisement, calling for tenders. The particulars of the supply, containing also the period within which it is to be furnished, the mode and time of payment, the amount of bond required, and all other necessary information, are to be specified in the advertisement, unless they are too numerous for insertion therein; in which case a copy of them is to be exhibited in the Commissariat-office at head quarters, and in the Commissariat-offices at the detached stations where competition is expected, or any portion of the supply is to be delivered; and due notice thereof is to be given in the advertisement, in which also are to be inserted the day and hour before which tenders, in strict conformity with the particulars, are to be sent in, sealed, and described as "Tenders for," &c. on the envelope.

348. Advertisements (the expense of which is, in all cases, to be defrayed from Commissariat funds), are to be published in the public newspaper of the place in which advertise-

Appendix, No. 4.

ments usually appear; and those calling for tenders to supply provisions and forage, should be inserted as soon after the harvest as may be practicable or convenient, that being the period when supplies in general are more abundant and cheap, and more open to competition.

349. The period between the publication of the advertisement and the day of receiving proposals for the supply, must depend upon the local circumstances of the station, the wants of the public service, and the nature of the article to be supplied, and must therefore be left to the discretion of the officer in charge of the Commissariat, who must take care that sufficient time be given to enable all persons who may be disposed to furnish the supply, to send in their tenders; and also, where necessary, that as much time as the nature of the service will admit of, be allowed between the date of the acceptance of the tender, and the date at which the articles are to be delivered.

350. Upon the day appointed, the tenders are to be opened in the office of the officer at the head of the Commissariat Department, and in his presence, and in the presence of an officer to be specially appointed for the purpose by the officer commanding the troops, and both the officers engaged on this duty are to affix their initials to the tenders, which are to be numbered in succession, as they are opened; and a schedule of them is then to be made and signed by both the officers, and submitted to the officer commanding the troops, with the recommendation in writing, at the foot of the schedule, of the Commissariat officer in charge, as to which of the tenders should be accepted, after he shall have satisfied himself that the proposed sureties are good and sufficient.

351. Should the officer commanding concur in the recommendation, he is to be requested to signify his approval by signing the schedule; and the officer in charge of the Commissariat will then enter into a contract or other written engagement for the supply, taking good and sufficient security for its performance; and he will transmit to the Board of Treasury certified copies of the following documents:

1. The contract.
2. The advertisement, or the newspaper in which it first appeared.
3. The particulars referred to in the advertisement.
4. The schedule of tenders.
5. The tenders, both those accepted and those rejected.

352. The originals are to be kept at the station, and instead of annexing copies to the cash accounts transmitted to the Commissioners of Audit, it will only be necessary to note on the vouchers for payments made under the contract, the number and date of the letter by which the copies of the contract and other documents connected therewith were forwarded to the Treasury Board.

353. Although, as a general principle, it is desirable that the lowest tender should be accepted, yet it may happen that this principle should, under the authority of the officer commanding the forces, be departed from, particularly where it may be considered that the articles tendered may be obtained at a more advantageous rate by not resorting to contract, and in all cases in which the persons making the lowest tender cannot give ample and satisfactory security for the performance of the undertaking; but in all such cases a full explanation must be furnished to the Treasury Board of the specific reasons which have led to a deviation from the ordinary course.

354. Should two or more tenders be received at the same rate, the reason for recommending a particular tender for acceptance is to be reported to the Treasury Board.

355. Whenever there is a material difference in the prices of any articles, or for any services contracted for by the Commissariat as compared with the prices of the previous contract, the Commissariat officer will, in reporting his proceedings, state his opinion of the causes which influenced the market.

356. All contracts for ordinary supplies and services are to be renewed annually, except in cases in which the previous sanction of the Treasury Board has been obtained, upon a full report of the circumstances of the case, to inviting competition for a longer period than one year.

357. For all important contracts, it is desirable that the conditions and subsequent instruments be drawn up by a solicitor or other professional person to be selected by the Commissariat officer in charge, the expense of which is to be borne by the contractor; but when the form of contract is established, and is found to be sufficient for the purpose, and no alteration shall occur in the circumstances, a future contractor may be relieved from the expense, and the contract may be prepared in the usual manner in the Commissariat office.

358. When

358. When the English pound weight is not in ordinary use amongst the merchants and traders at any station abroad, the comparative weight of the English pound, or given number of pounds, with the customary weight, or given number of weights, of the country, is to be stated in the advertisement, and the contracts are to be framed for the supply of the articles in English pounds weight; and the articles so received are invariably to be brought into the Commissariat accounts in English pounds weight. The same rule is to be applied with respect to the English measure.

359. It is recommended, where it is practicable, to advertise for forage for the whole ration, stating the component parts in the advertisement; and those component parts should be so framed as to comprise the comparative quantities of bran or hay to be allowed in lieu of corn for sick horses; and if there is to be any distinction made between the ration to regimental or draught horses, and staff, cavalry, and artillery horses (more corn on active service being sometimes issued to the latter), the advertisement should specify the two descriptions of ration, distinguished by a separate name. This plan has been found at some stations to induce persons of more means to compete for the supply.

360. Contracts for straw for barrack bedding, being an Ordnance service, are to be advertised for separately; but straw supplied for troops in encampment is a Commissariat service.

361. It is not intended that the Commissariat officer in charge should be relieved from the responsibility, as an accountant, of providing supplies for the public service, or that any part of this responsibility should be imposed either upon the officer commanding the forces, or on the officer who may be specially appointed to be present at the opening of the tenders. The officer specially appointed for this duty is only expected to certify that the tenders were duly opened and scheduled; and the officer commanding will, unless he shall see reason to adopt a different course, act upon the recommendation of the Commissariat officer in charge, in respect to the particular tender or tenders to be accepted.

362. The responsibility of receiving the supplies in conformity to the tender, of inspecting them in order to ascertain that they are conformable to the agreement before they are delivered direct to the troops on Commissariat orders, and of paying for them according to the conditions of the contract, will rest wholly and exclusively upon the Commissariat officer in charge.

363. All contracts and purchases are to be made by the Commissariat for building materials, military stores, barrack furniture (including straw or other materials for filling paillasses), articles of clothing, and stores for military prisons, and all other articles and services required by the Ordnance Department, if the amount exceeds 10*l.*, with the exception of the following, viz.—

Hire of buildings for barracks, quarters, storehouses, or other military purposes.
Hire of labourers for the service of the Royal Engineer department.

And the following barrack services:

Washing bedding.
Sweeping chimneys.
Repairing furniture and utensils.
Emptying privies.
Removing ashes.

364. The Ordnance officers will, in communication with the officer commanding the troops, apply to the Commissariat to publish the necessary advertisements, and enter into contracts for Ordnance services. The contracts are then to be made according to the foregoing instructions, with this difference only, that the commanding Royal Engineer, or other Ordnance officer is invariably to be present at the opening of the tenders, with a view to a concurrent recommendation being made by the Ordnance and Commissariat officers in favour of a particular tender.

365. When supplies for the naval service are contracted for by officers of the Commissariat, the conditions to be inserted, or referred to, in the advertisements inviting tenders for the supplies, are to be settled in communication with the senior naval officer, if there be one, at the station.

366. All tenders received by the Commissariat, in which supplies for the Navy are included, are to be opened in the presence of a naval officer, if there be one at the station, to be deputed for the purpose by the senior naval officer, with a view to a concurrent recommendation being made by the Naval and Commissariat officers in favour of a particular tender.

 367. The

Appendix, No. 4.

367. The senior naval officer is to be requested to affix to the schedule his signature of approval of the recommendation made for the acceptance of any tenders either for supplies for the Navy only, or for supplies for both Army and Navy.

368. If a naval accountant be at the station, he is to pay for all naval supplies furnished under contracts entered into with officers of the Commissariat.

369. Contracts for all supplies and services at foreign stations, whether for the Commissariat, the Naval, or the Ordnance department, are to be made out with the prices specified in sterling money, excepting at those stations where the currency is of the same denomination as sterling, when it will be at the discretion of the Commissariat officer in charge to enter into contracts at currency rates; but in those cases the amount is to be converted into sterling, and carried to account accordingly.

370. In all cases in which supplies or services are contracted for, including those for the Ordnance, or any other public department, or for a Colonial Government, it is to be expressly stated in the advertisements inviting tenders for the supply or service, and also in the contracts entered into, that the payments are to be made in bills drawn upon the Treasury Board at par, unless the payments to be made under the contract at one time are less than 50 *l.*, in which case they may be made in cash; or, unless the authority of the Lords of the Treasury has been obtained to make the payments under contracts at any particular station in cash.

Purchases.

371. Whenever it may be necessary for a Commissariat officer to make purchases, or provide for the execution of services, otherwise than by public competition, he will use his utmost endeavours to do so upon the most advantageous terms; and he will establish the price to be paid by taking a tender in writing from the party, upon the face of which he will annex his reasons for recommending its acceptance, and submit the same to the officer commanding for approval.

372. A Commissariat officer will find his best security against combination, and other undue means of enhancing the prices on the public beyond what is considered a fair standard for private and individual purchase, in the knowledge he has obtained of the resources of the country, the inviolable impartiality of his dealings, and the prompt discharge of every engagement.

373. When merchants or brokers are employed to purchase supplies on commission, they are to be allowed the lowest customary commission, the rate of which is to be duly supported by a certificate.

374. The under-bill or voucher for every payment is to be produced, excepting as directed in Article 340, in order to show that no double or improper gains are made by intermediate parties.

AVERAGE Cost of Bread, Meat, and Forage for the Troops in the several Districts or Counties in *Great Britain*, for Twelve Months.

COUNTY.	AVERAGE COST OF			TOTAL.	Number of Offers made upon last occasion of receiving Tenders for		
	Bread.	Meat.	Forage.		Bread.	Meat.	Forage.
	£.	£.	£.	£.			
Aldershott	21,600	40,800	500	62,900	7	10	5
Bedford	980	2,450	-	3,430	3	3	3
Berks	5,570	11,020	9,200	25,790	5	4	6
Bucks	-	-	-	-	4	2	3
Cambridge	-	-	-	-	5	4	3
Chester	2,640	4,820	240	7,700	4	5	6
Cornwall	1,300	2,360	-	3,660	7	4	3
Cumberland	1,340	2,340	-	3,680	5	5	4
Derby	2,040	3,820	-	5,860	4	5	4
Devon	6,260	12,380	11,400	30,040	10	5	9
Dorset	2,480	4,380	4,350	11,210	7	6	11
Durham	2,500	3,660	-	6,160	4	4	4
Essex	2,420	4,480	340	7,240	7	7	4
Gloucester	1,040	1,640	1,150	3,830	4	4	6
Hants	15,020	30,000	4,200	49,220	6	4	9
Hereford	1,320	2,940	-	4,260	3	3	3
Herts	1,480	3,360	-	4,780	4	3	3
Hunts	-	-	-	-	2	3	3
Isle of Wight	4,200	8,280	-	12,480	4	5	9
Kent	19,640	37,540	41,000	98,180	6	6	10
Lancaster	13,360	24,360	15,000	52,720	5	5	13
Leicester	820	1,700	800	3,320	2	3	5
Lincoln	300	660	-	960	2	3	3
Middlesex	15,280	30,180	27,500	72,960	5	8	11
Monmouth	1,440	2,800	1,200	5,440	5	7	4
Norfolk	3,340	7,020	2,720	13,080	4	4	7
Northampton	1,620	2,360	2,000	5,980	7	5	9
Northumberland	4,700	7,000	3,600	15,300	4	7	8
Notts	2,240	5,120	7,500	14,860	4	3	7
Oxford	880	1,940	-	2,820	2	2	3
Rutland	-	-	-	-	2	2	3
Salop	1,900	4,000	-	5,900	4	5	3
Somerset	130	240	1,100	1,470	4	5	9
Stafford	3,120	6,720	-	9,840	4	4	4
Suffolk	1,980	4,320	2,400	8,700	6	4	9
Surrey	3,440	6,860	-	10,300	3	4	3
Sussex	3,740	6,240	7,200	17,180	3	5	8
Warwick	3,240	6,940	6,000	16,180	4	4	6
Westmorland	50	100	-	150	3	4	3
Wilts	420	950	1,420	2,790	4	2	6
Worcester	1,660	3,780	600	6,040	2	2	4
York	10,120	19,880	13,100	43,100	6	5	12
Isle of Man	50	100	-	150	3	3	—
Wales, North and South	7,180	14,180	1,200	22,560	5	3	4
North Britain	15,720	32,660	11,650	60,030	7	7	5
Channel Islands	2,500	6,360	-	8,860	5	6	—
TOTAL £.	191,060	372,680	177,370	741,110	206	204	257

Deputy Commissary-General's Office,
No. 5, New-street, Spring Gardens,
London, 12 July 1856.

J. Wilson,
D. C. G.

The above calculation is based upon the present strength, but it is, of course, subject to variation accordingly as the force rationed may be increased or diminished.

The amounts represent the sums payable to the contractors, but the charge against the public is abated to the extent of the stoppage of 4 ½ *d.* for every ration of bread and meat, and of 8 ½ *d.* for every ration of forage for officers' horses.

War Department, Commissariat,
15 July 1856.

Samuel Petrie.

AVERAGE Cost of Bread, Meat and Forage for the Troops in the several Districts or Counties in *Ireland*, for Twelve Months.

COUNTY.	AVERAGE COST OF			TOTAL.	Number of Offers made upon last occasion of receiving Tenders for		
	Bread.	Meat.	Forage.		Bread.	Meat.	Forage.
	£.	£.	£.	£.			
Antrim	3,154	5,043	1,070	9,267	4	6	6
Armagh	3,463	4,921	198	8,582	5	6	4
Carlow	692	1,099	65	1,856	5	3	2
Cavan	1,000	1,661	167	2,828	9	6	3
Clare	804	1,049	2	1,855	5	8	3
Cork	13,668	19,086	5,171	37,925	6	6	6
Donegal	629	1,014	- - -	1,643	2	4	2
Down	- - -	- - -	23	23	4	5	No tender.*
Dublin	13,262	23,359	28,350	64,971	5	6	5
Fermanagh	897	1,624	- - -	2,521	5	4	2
Galway	1,242	1,563	- - -	2,805	4	8	3
Kerry	987	1,057	- - -	2,044	4	6	No tender.*
Kildare (except the Curragh)	3,496	6,306	20,229	51,539	4	6	5
Ditto - the Curragh	8,415	13,093			7	8	
Kilkenny	1,279	2,012	582	3,873	7	6	6
King's County	2,527	4,612	22	7,161	8	10	No tender.*
Leitrim	165	280	- - -	445	4	5	1
Limerick	3,908	4,708	2,635	11,251	7	6	8
Londonderry	1,089	1,643	- - -	2,732	7	6	No tender.*
Longford	783	1,086	198	2,067	5	7	4
Louth	1,058	1,853	3,641	6,552	7	5	5
Mayo	1,185	1,921	- - -	3,106	9	7	3
Meath	711	1,201	170	2,082	3	4	1
Monaghan	117	161	44	322	5	5	3
Queen's County	616	991	10	1,617	6	4	No tender.*
Roscommon	2,153	3,573	1,442	7,168	6	5	7
Sligo	671	938	- - -	1,609	5	7	No tender.*
Tipperary	6,251	10,122	2,739	19,112	7	11	7
Tyrone	649	936	- - -	1,585	5	3	No tender.*
Waterford	1,657	2,631	- - -	4,288	7	5	6
Westmeath	2,098	3,115	16	5,229	5	8	1
Wexford	664	1,045	11	1,720	5	5	2
Wicklow	494	910	17	1,421	4	3	2
TOTAL £.	79,784	124,613	66,802	271,199			

* No cavalry or artillery horses in these counties.

Deputy Commissary-General's Office, Dublin, 16 July 1856.

James O. Watt, D. C. G.

The above calculation is based upon the present strength, but it is of course subject to variation accordingly as the force may be increased or diminished.

The amounts represent the sums payable to the contractors, but the charge against the public is abated to the extent of the stoppage of $4\frac{1}{2}d.$ for every ration of bread and meat, and of $8\frac{1}{2}d.$ for every ration of forage for officers' horses.

War Department, Commissariat, 19 July 1856.

Samuel Petrie.

I N D E X.

[*N. B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions in the Evidence; and those following *App. p.* to the Paging of the Appendix.]

A.

ACCEPTANCE of Lowest Tender. Recent change of system as to the acceptance of the lowest tender in the case of military stores, *Godley* 53—— The objection of witness to public competition in the case of warlike stores mainly lies in the necessity of accepting the lowest tender, *Boxer* 766. 796–805——Exceptional circumstances under which the lowest tender is occasionally not accepted in the case of Commissariat supplies, *Petrie* 1477–1479. 1484. 1486, 1487——Course adopted in the case of two or three lowest tenders being at the same price, *ib.* 1480——General rule of the Engineers' Department in all cases of open competition to accept the lowest tender; exceptions thereto, *Laffan* 1547. 1572.

Advertising. Statement as to its not being the practice to advertise for contracts for the supply of military stores, *Godley* 11–14. 19. 25. 136–139—— Inconveniently large number of tenders if public advertisement were resorted to, *ib.* 14. 25. 136–139.

See also *Office Lists.* *Public Competition.*

Annual Contracts. As regards contracts for raw materials and for buildings, it would be well if, in some cases, the Arsenal contracted for twelve months, the director-general of contracts not interfering therewith, *Boxer* 1244–1248.

Army Clothing Department. See *Clothing, Army,* 2. *Inspection of Supplies,* II. *Weedon.*

Arsenal, Woolwich. Necessity of the head of the manufacturing department of the Arsenal being chosen with reference to his peculiar fitness for the office, *Boxer* 867, 868. 1045 ——The appointments in the department are carefully and satisfactorily made by Lord Panmure; recommendations on which made, *ib.* 869, 870. 916–918. 1045–1048—— Importance of the staff generally being carefully chosen with reference to their duties, *ib.* 871——Full power of witness and of the other heads of departments in regard to the appointment and dismissal of the workmen, *ib.* 918. 928–932. 1037. 1091–1093—— There are three heads of departments, independent of each other, *ib.* 919–925.

Advantage in the very large employment of unskilled labour in the case of shells, &c., as made in the Arsenal, *Boxer* 1010–1014. 1233–1235——System of time-piece as well as of day-pay adopted, *ib.* 1035. 1038. 1212——Successful check upon idleness among the workmen, *ib.* 1036–1038——Rank in force as a supernumerary in the case of any Artillery officer appointed to the Arsenal; approval thereof; *ib.* 1049. 1057–1064—— Practice in regard to the appointments being for a term of five years, *ib.* 1049–1056—— Practice formerly as to the dismissal of workmen, *ib.* 1094–1096.

See also *Annual Contracts.* *Coals, &c.* *Inspection,* III. *Laboratories.* *Machinery.* *Manufacture by Government.* *Office List.* *Public Competition.* *Shells.*

Artillery Clothing. Practice by which the Artillery will make up their own clothing; estimated saving of 14,000*l.* a year, *Ramsay* 243–251. 336——Absence of complaint at present in regard to the clothing for the Artillery, and the Sappers and Miners; it is subject to rigid inspection at Woolwich, *ib.* 550–553. 559–565.

B.

Boots. Details relative to the supply of boots as provided for the army by the colonel and by the Ordnance, *Ramsay* 637. 641–655. 660–664——Particulars as to the system about to be adopted by the War Department in regard to the supply of boots, *ib.* 637–647. 650–686—— Different sizes made in order to provide for the men being properly fitted, *ib.* 638, 639——How far greater difficulty under the present than the former system in the event of the boots, on coming into use, being found unwearable, *ib.* 643–646. 668–674——Frequent complaints against the boots supplied by the Ordnance and by the colonels,

Report, 1856—*continued.*

Boots—continued.

colonels, *Ramsay* 648-654——There are at present about 180,000 pairs in stock at Weedon, *ib.* 685.

Particulars as to the contract price for boots and the price charged to the soldier, *Elliot* 1283-1292. 1431-1433——Increased price about to be paid for 50,000 pairs of trial boots; the extra charge does not fall on the soldier, *ib.* 1283-1292. 1431-1433——Explanation as to some complaints in regard to the quality of boots issued from Weedon, *ib.* 1406-1428——Conditions of the contract in regard to the materials for the soles, *ib.* 1429, 1430.

Statement of the complaints addressed by commanding officers of militia as to the quality of boots issued from Weedon in 1856 to their respective corps; how remedied; *App. p.* 108.

See also *Inspection*, II. 2.

Boxer, Captain Edward Mourrier, R.A. (Analysis of his Evidence.)—Is superintendent of the Royal Laboratories, Woolwich, 759——Decision by the Secretary of State for War of the mode of purchase of materials required in the manufacturing department, the department in the first instance making recommendations on the subject, 760-763——Evidence strongly opposed to the system of open competition, accompanied with the acceptance of the lowest tender, for the supply of raw material for the Laboratory, 764 *et seq.*——Great distinction between a system of open tender and a system of confining the competition to a limited and carefully selected number of contractors; approval of the latter system; 765, 766. 823-831. 837-857.

Inexpediency of the system of open competition, more especially in time of war, on account of the impossibility of properly insuring the quality of the article, 766-771. 793, 794. 796-798. 836.——Objection also to open competition in time of war on the ground that it may lead to undue delay in the supply, 766. 795, 796——Difficulty as well as expense in testing shells by waterproof or hydraulic pressure adverted to as a forcible reason against their being obtained by public contract, 770-792. 864-866.

Probability that under a system of open competition not only would objectionable parties tender, but that the more respectable firms would not come forward, 798-805——Advantage in employing a broker for procuring supplies of timber and iron, 806-810. 822, 823. 832-836——Security for the goodness of the shells if made at the Arsenal, 811——Circumstance of the guns in the Crimea, as procured by public contract, having, on the whole, turned out satisfactorily, 812-814——Quality of the mortars used at Sweaborg adverted to; how these were procured, 815-817. 858-863.

The system of open competition has not yet been tried at the Royal Laboratory, 817-820——An immense number of articles have been procured under the plan of an office list, 821——Necessity of the list of contractors being carefully compiled and revised, 823-829. 850-853——In some instances instead of having recourse to all the names in the list, it would be preferable to select a particular party to supply the article required, 831. 845, 846. 850-854, 855.

Satisfactory result of sending tenders, according to a schedule of prices, to a limited number of contractors in the case of some recent buildings at the Arsenal, 837-849——Limited number of the leading firms or public companies which resort to direct competition for supplies, 847, 848. 857——Successful result of the plan pursued at the Laboratory of allowing the head of the department to procure materials from the person in whom he has most confidence, 854-856——Superior quality and lower price of materials when manufactured at the Arsenal, 864-866.

[Second Examination.] Necessity of the head of the manufacturing department of the Arsenal being chosen with reference to his peculiar fitness for the office, 867, 868. 1045——The appointments in the department are very carefully made by Lord Panmure, 869, 870——Importance of the staff generally being carefully chosen with reference to their duties, 871——Peculiar importance in vesting a considerable discretion in the head of the department, further adverted to, 871-873. 1000.

In time of peace contracts for warlike stores may answer very well, 874——In time of war, however, it is of great importance that Government should manufacture certain articles, keeping up a large establishment for the purpose, 874, 875——Inadequacy of public contracts during the late war as a means of providing a sufficiency of shells, 875. 956-963. 1029-1031. 1118-1134——Statement as to the excessive cost of shells procured by public contract as compared with shells made in the Arsenal; examination hereon, 876, 877. 881-909. 933-939. 970. 984-997. 1021-1028. 1039-1044. 1141-1148. 1205-1209, *and App. p.* 103.

Advocacy of the manufacture of special articles by Government, on the ground not only of quality but of economy, 876 *et seq.*——Intention largely to extend the manufacture of iron guns in the Arsenal, 879-881. 914, 915——Unduly increased prices charged by manufacturers in time of war or when any extraordinary demand arises, 881. 897-909. 954, 955. 983. 986-989——Peculiarly large cost of the diaphragm shell as procured by contract

Report, 1856—*continued.*

Boxer, Captain Edward Mourrier, R.A. (Analysis of his Evidence)—*continued.*

contract during the late war, 881–896——Difficulty in testing contract shells further adverted to, 910. 1134, 1135. 1151.

It is intended to manufacture all shells and shot and various other articles in the Arsenal exclusively, 911–915——Further reference to the satisfactory appointments made by Lord Panmure, and to the recommendations on which made, 916–918. 1045–1048——Full power of witness and of the other heads of departments in regard to the appointment and dismissal of the workmen, 918. 928–932. 1037. 1091–1093——There are three heads of departments, independent of each other, 919–925——Very superior character of the Government machinery and plant adverted to, as a reason for their being able to manufacture more cheaply than manufacturers in general, 940–947. 1015–1028.

Considerably less cost of naval fuses as made in the Arsenal than as procured from contractors, 948, 949, and *App. p.* 104——Further instance, in the case of the Shrapnel sockets, of great economy through manufacture in the Arsenal, 950–953, and *App. p.* 104——Explanation as to open competition through public advertisement not having been resorted to in the case of several articles urgently required during the late war, 951–953. 956–963. 1030–1034. 1208, 1209——Low stock of shells at the commencement of the war, 964. 990——Inexpediency of any large stock of shells, or of any large warlike store generally during time of peace, 965, 996. 1230–1232.

Further evidence in favour of a Government establishment large enough to supply, at a very short notice, all warlike materials of a special nature; answer to objections thereto on the score of expense, 967 *et seq.*——So much has already been saved by the Government manufacture that the cost of the establishment has been covered thereby, 970. 1199–1201——About 150 or 200 tons of shells can at present be made daily in the shell factory, 972, 973——For shells and shot, the cost of machinery and everything else will be about 55,000*l.*; 984, 985. 1202–1204——Less cost in the manufacture of shells by Government than by the Low Moor Company, 994–996, 1019–1029.

Further approval of a system of limited contract to one of open contract, 998–1000——Liability to personal corruption or abuse in the case of open contracts, as well as in the case of any other system of supply, 1000–1006——The Arsenal-made shells during the late war were generally very good, 1007——Advantage in the very large employment of unskilled labour in the case of shells, &c. as made in the Arsenal, 1010–1014. 1233–1235——System of time-piece as as well as of day-pay adopted at Woolwich, 1035. 1038. 1212——Successful check upon idleness among the workmen, 1036–1038.

Rank in the force as a supernumerary in the case of any artillery officer appointed to the Arsenal; approval thereof, 1049. 1057–1064——Practice in regard to the appointments being for a term of five years, 1049–1056——Approval of the officers under witness being junior officers of artillery, 1065——Duties, unconnected with the manufactures, of the captain-instructor and captain-inspector in witness's department, 1066–1072. 1087. 1090——Witness prefers the present system of the captain-instructor to the former system of fire-master, 1067, 1068. 1078–1090.

Fitness of an artillery officer as head of the carriage department, 1073–1077——Practice formerly as to the dismissal of workmen, 1094–1096——Several duties of witness as superintendent of the royal laboratories, 1097–1101. 1149, 1150——Further reference to the practice whereby witness makes recommendations relative to contracts, and the Secretary of State accepts or rejects such contracts, 1102–1105. 1152–1159——Experience on which witness grounds his objection to the system of open competition for the supply of war materials, 1106–1118. 1149–1151. 1160–1162.

Reference to a contract for shells in which, after much undue delay, very defective shells were supplied, 1118–1123. 1134——Inadequate security afforded to Government by the penalties for breach of contract, 1124. 1128–1133. 1136–1140——The shells supplied by Mr. Kinnaird were on the whole very good, 1125–1127——Failure of the contract system in the case of some crucibles, which were so defective that they could not be used, 1137–1140. 1222–1229——Mode of procuring coal and iron for the Arsenal, 1163–1166.

Satisfactory performance of contracts during the war by the more respectable and leading firms, 1167–1169——Considerable extent to which the Government manufacturing departments provided supplies during the war, though they were then in an incomplete state, 1170–1174——Practice of tender by a limited number of manufacturers, whereby the machinery in witness's department was procured, 1175–1179——Steps being taken in regard to the manufacture of iron ordnance, 1180–1186——Manufacture in witness's department of percussion caps, 1188–1191.

Reference to the defective fuses for the shells during the late war; there has been no complaint since the use of the new fuse (invented by witness), 1192–1198. 1214–1218——Difficulty in testing fuses, 1213——No fuses were supplied by contractors, 1216——Contract through a broker of some iron for shells, 1236——Quality and price of the iron required for shells; usefulness of worn-out guns for the purpose, 1237–1243——As regards contracts for raw materials and for buildings, it would be well if in some cases the

Boxer, Captain Edward Mourrier, R. A. (Analysis of his Evidence)—*continued.*
the Arsenal contracted for twelve months, the director-general of contracts not interfering therewith, 1244-1248——Effect of manufacturing certain articles in the Arsenal upon the value of private machinery adverted to 1249-1253.

Breach of Contract. See *Penalties.*

Bread. Forms of contract used in the Commissariat Department in the case of bread, as supplied to the army at home, *App. p.* 109-115——Average cost of bread for the troops in the several districts or counties in Great Britain, for twelve months, *ib.* 125——Similar statement in regard to Ireland, *ib.* 126.

Brokers. Regulations and practice in regard to purchases of military stores on commission through a sworn broker, *Godfrey* 10. 19-24. 134, 135——In the few instances hitherto, the articles supplied through brokers have been very good, *ib.* 134——Advantage in employing a broker for procuring supplies of timber and iron for the Arsenal, *Boxer* 806-810. 822, 823. 832-836——Contract through a broker of some iron for shells, *ib.* 1236.

C.

Carriage Department, Woolwich. Fitness of an artillery officer, such as Colonel Tulloch, as head of the department, *Boxer* 1075-1077.

Cavalry Clothing. Present regulation in the cavalry that the men who make up the clothing are not to be considered as soldiers, *Ramsay* 575-581——Intention to furnish the cavalry with trousers somewhat upon the French model, *ib.* 687-692.

Chemicals. Chemicals, as well as other materials required in the royal laboratory, should not be procured by open competition, *Boxer* 767, 768.

Clothing, Army:
1. *As to the Supply through the Colonels of Regiments.*
2. *As to the Supply through the Army Clothing Department.*
3. *Considerations as to a System of Regimental Tailors.*

1. *As to the Supply through the Colonels of Regiments:*

Supply previously to June 1854 of the clothing for the infantry and cavalry by the colonels of the regiments, through the medium of regimental agents, and on the system of off-reckonings, *Ramsay* 160, 161——Rates of off-reckonings allowed to colonels; the profits for each regiment in the infantry averaged 750*l.* a year, *ib.* 161——In the line, the off-reckoning for each private was 2*l.* 6*s.*, *ib.* 161. 359——Abolition in June 1854 of the system of off-reckonings, in lieu of which the colonels received a fixed annual payment, *ib.* 161, 162——Up to 31 March 1857 the engagements as entered into by the colonels will continue to be carried out independently of the Army Clothing Department, save as regards the payment of the bills, *ib.* 163, 164. 176-179. 188——Duties discharged by the late Board of General Officers in regard to claims and disputes, *ib.* 186, 187.

Calculation that had the old system continued, the profits of the colonel, when each regiment was on the war establishment, would have been 1,525*l.* 16*s.* 8*d.*, *Ramsay* 345-347. 351, 352——Belief as to the correctness of Sir Willoughby Gordon's estimate that the profit of the colonel was 15*s.* 3*d.* per man, *ib.* 346. 367-370——Considerable additional profits of the colonels during the war if they have received the off-reckonings of 2*l.* 6*s.* per man for the whole number voted by Parliament, *ib.* 348-360——Explanation of the term "off-reckoning," *ib.* 350. 354. 358-360. 420——Large sum saved by Government during the war through the abolition of the off-reckoning, *ib.* 354-357. 371-374——Probable loss at times to the colonels through casualties to the clothes, he being obliged to run all risks, *ib.* 361-366. 375-383.

Payment of the clothiers' bills by the public during the year 1854-55, when the off-reckonings were stopped, *Ramsay* 412-415——Doubt as to greater complaints or inferior clothing when the supply has been by the Ordnance than when by the colonels, *ib.* 430-442——Possibly greater remedy to the soldier under the old system than at present, if the clothing prove inferior, *ib.* 468-472. 489-508. 517. 731-734.

2. *As to the Supply through the Army Clothing Department:*

Formation of the Army Clothing Department in June 1855, *Ramsay* 158——Duties of the department up to 31 March 1857 explained by reference to the official memorandum, *ib.* 159, 340, 341——When the cloth has been inspected at Weedon, contracts will then be entered into in London or elsewhere for making up the same, *ib.* 181. 218-220. 321——The new department has supplied merely the undress uniform for the regiments in India, *ib.* 189——Cloth has been delivered at Weedon for the army generally, and steps are being taken to provide the supply subsequently to March 1857, *ib.* 190-196——Names of the contractors from whom the several descriptions of cloth have been obtained, together with the price per yard, *ib.* 207.

Report, 1856—*continued.*

CLOTHING, ARMY—continued.

2. *As to the Supply through the Army Clothing Department*—continued.

The red cloth about to be supplied to the army is very much superior to that formerly supplied; it is, in fact, the same quality as that now supplied to the serjeants and drummers, *Ramsay* 211–214——Explanation of the course pursued by the department in providing clothing for the militia for the current year, *ib.* 230–238. 423–430. 454–464——How far witness's department is cognizant of or interferes with the system of contracts for cloth, *ib.* 298–312——Return delivered in showing the prices which were paid last year to the army clothiers, *Ramsay* 215, *and App. p.* 105——The new tunic will cost about 2*s.* 6*d.* more than the old tunic, but there will be a saving of 2*s.* on the shako, and 1*s.* on the trousers, *Ramsay* 216, 217. 222–224——Return showing the exact cost price of the tunic coat, of the trousers, and of the shell jacket, *ib.* 229.

A saving of 88,928*l.* a year, under the new system of clothing the army, is merely an estimate, *Ramsay* 313–315——Claim of the soldier to compensation if he be obliged to wear inferior clothing, *ib.* 494. 496. 646——Distinct contract with the cloth manufacturer and with the clothier; advantages thereof, *ib.* 584–587. 613–615.

Explanation as to the cloth or clothing supplied this year to the regiments in India having been, on account of the inferiority of the pattern, inferior to that previously supplied, *Ramsay* 719–730. 741–745; *Elliot* 1322–1347——The inferior pattern was furnished to the director-general of clothing by Mr. Gilpin, the contractor, *Elliot* 1328–1330.

Up to the 30th of June last, 333,800 yards had been received at Weedon for the underclothing of the Indian army, and for great coats and trousers, *Elliot* 1269, 1270——Particulars as to the cost of making up the several articles of clothing, *Elliot* 1304–1317. 1443, *and App. p.* 106——The cost of the Indian red cloth was 5*s.* 3*d.* a yard, *Elliot* 1317. 1386–1388——Specimens handed in of the red cloth now being supplied to the army; it is much higher in price and superior in quality to the cloth formerly supplied, *ib.* 1365–1376. 1384–1391——On the whole, the clothing now supplied will not be dearer than the old clothing, whilst it will be far superior in quality, *ib.* 1398, 1399.

Comparative cost of the old and proposed clothing for the line, taking into account the expenses of the establishment at Weedon, *App. p.* 108.

Sundry particulars as to the staff of the Army Clothing Department at Weedon, and in Pall Mall, *Ramsay* 387–403, *and App. p.* 99–102——The salaries in Pall Mall amount to 3,400*l.*, *Ramsay* 399, 400.

3. *Considerations as to a System of Regimental Tailors:*

System in the French army whereby each regiment makes up its own clothing, *Ramsay* 268–271——Obstacles to the infantry in this country making up their own clothing through means of regimental tailors; this plan, however, is partly adopted in the cavalry, artillery, and guards, and has some important advantages, *ib.* 272–292. 333–338——The depôts not being stationary, form the main obstacle, *ib.* 272–276——Objection of the Commander-in-chief to the clothing being made up by the several regiments, *ib.* 274. 286, 287. 574——There would be the advantage of better-fitting clothes, if they were made up in the regiment, *ib.* 283–285. 483.

One tailor could make three tunics in a week, and ten tailors would make up the clothing for a company of 100 men, *Ramsay* 339. 342——Alteration at present by the regimental tailors in the event of the clothes not fitting, *ib.* 476–482——Further reference to the objections offered to the system under consideration, *ib.* 484. 574——Approval of treating the tailors attached to regiments merely as tailors, and not as soldiers also, *ib.* 582. 583.

See also *Artillery Clothing. Boots. Cavalry Clothing. Colonial Corps. Delay. Engineers' Clothing. Great Coats. Guards' Clothing. Inspection of Supplies. Italian Legion. Land Transport Corps. Militia Clothing. Patterns. Penalties. Shakos. Shell Jackets. Size Rolls. Trousers. Tunic. Weedon.*

Coals, &c. (Arsenal). Mode of procuring coal and iron for the Arsenal, *Boxer* 1163–1166.

Colonial Corps. System of providing clothing for the colonial corps, *Ramsay* 554–558.

Commissariat, The. Rule of the Commissariat to obtain all supplies by public advertisement and open competition, *Petrie* 1473–1475. 1486, 1487. 1495. 1507–1509. 1527——Practice respectively at home and abroad in regard to the periods for which contracts are entered into, *ib.* 1481, 1482. 1519, 1520——In some rare cases compensation is allowed to the contractor in the event of loss through unforeseen circumstances, *ib.* 1483. 1523——Practice in the case of contracts abroad undertaken by the Commissariat for the army or navy, or for the convict service, *ib.* 1485–1487. 1495, 1496.

Course adopted in the case of local obstacles to entering into a contract, *Petrie* 1489——Steps taken to ascertain the character of the contractor, and of his securities, *ib.* 1490, 1491——Samples are rarely, if ever, furnished to contractors, *ib.* 1493, 1494——The supply of the home army was made through the Commissariat previously to 1835,

Report, 1856—*continued.*

Commissariat, The—continued.

and was resumed in 1854, *Petrie* 1496, 1497——General form of the contracts adverted to, *ib.* 1498, 1499. 1527.

Forms of contract in this country for the supply of bread, *App. p.* 109–115——Forms in regard to the supply of beef and mutton, *ib.* 115–121.

Extract from Code of Regulations and Instructions for conducting the duties of the Commissariat Department, as regards advertisements, tenders, and contracts, *App. p.* 121–124.

Regulations in regard to purchases by the Commissariat, otherwise than by public competition, *App. p.* 124.

See also *Acceptance of Lowest Tender. Bread. Forage. Meat. Public Competition.*

Competition. See *Advertising. Office Lists. Public Competition.*

Cost. See *Prices.*

Crucibles. Failure of the contract system in the case of some crucibles supplied to the Arsenal, which were so defective that they could not be used, *Boxer* 1137–1140. 1222–1229.

D.

Delay. Effect of a delay in the delivery at Weedon of some of the cloth for the army clothing, *Ramsay* 201–204——Objection to open competition in time of war, on the ground that it may lead to undue delay in the supply, *Boxer* 766. 795, 796.

Diaphragm Shells. Peculiarly large cost of the diaphragm shell, as procured by contract during the late war, *Boxer* 881–896——There was only one contractor who made the shell, and whose price was 73*l.* a ton, whereas they are made in the Arsenal at the rate of 14*l.* 19*s.* 2*d.*, *ib.* 881–883——Explanation as to the circumstance of there having been one manufacturer, *ib.* 882–896.

Director-general of Contracts. Illness of Mr. Howell adverted to; belief that it was produced by over-work, *Godley* 4, 5.

See also *Annual Contracts. Engineer's Department.*

Director-general of Stores. Duties of witness's office to see to the receipt, custody, issue, and inspection of all military stores, *Godley* 1. 3. 6, 7——Extract from the Order in Council of 6 June 1855, defining witness's duties, *ib.* 2——Practice in regard to requisitions by witness, *ib.* 7. 10. 75——Witness superintends the provision of all military stores, except clothing and food and unmanufactured articles, *ib.* 88, 89. 132, 133. 140–142——There are about 10,000 tenders annually received in the department, *ib.* 136, 137.

E.

East India Company. Statement as to the system of tender and of inspection adopted by the East India Company, *Godley* 111–117. 124–131——In the first instance tenders are publicly advertised for, *ib.* 111–117——The lowest tender is almost uniformly taken, the system being found to answer very well, *ib.* 111, 112. 124–131.

Elliot, James Sutton. (Analysis of his Evidence.)—Is Superintendent of Army Clothing at Weedon, 1254——Duties of the office to receive from the contractors all articles of army clothing, to inspect them, and to issue them to the troops, 1255–1257——Staff of two inspectors and six viewers for the inspection of the cloth, 1258–1264——Manner in which the inspection is carried out, 1258. 1266——Belief that the officers do their duty satisfactorily, and that the inspection is a sufficient one, 1267, 1268. 1271. 1278——Up to 30 June, 333,800 yards had been received for the under-clothing of the Indian army, and for great coats and trousers, 1269, 1270.

Staff of six viewers and two inspectors for the inspection of boots, 1272–1274——Very searching character of the inspection, each boot being separately examined, 1272. 1275–1277. 1430——Good effect of the inspection, 1278. 1281, 1282——Particulars as to the contract price for boots, and the price charged to the soldier, 1283–1292. 1431–1433——Practice in regard to the issue of cloth for great coats or tunics, and the inspection of the coats when received from the contractors, 1293. 1296, 1297. 1300–1303. 1320. 1348–1350. 1441, 1442.

Inspection at present of the Indian clothing at Messrs. Hayter & Howell's 1298, 1299. 1322——Particulars as to the cost of making up the several articles of clothing, 1304–1317. 1443, *and App. p.* 106——The cost of the Indian red cloth was 5*s.* 3*d.* a yard, 1317. 1386–1388——The cost of the cloth for the trousers was from 4*s.* 7*d.* to 4*s.* 9*d.* a yard,

Report, 1856—*continued.*

Elliot, James Sutton. (Analysis of his Evidence)—continued.

yard, 1318——The cost of carriage to Weedon is included in the contractor's prices, 1319. 1392–1394——Difficulty in regard to stamping the red cloth before it is issued to be made up; the cloth for great coats is stamped, 1320, 1321. 1471.

Explanation as to the cloth or clothing supplied this year to the regiments in India having been, on account of the inferiority of the pattern, inferior to that previously supplied; the inferior pattern was furnished to the director-general of clothing by Mr. Gilpin, 1322–1347——Salaries of the inspectors and reviewers at Weedon; increase recommended, 1351–1358——Return containing particulars as to the establishment, 1359, 1360, *and App. p.* 100–102.

The cloth for the soldiers' great coats costs about 4*s.* 5*d.* a yard, 1360, 1361——Patterns are kept at the War Department, from which specifications for the required cloth are drawn up as a guide to contractors, 1363, 1364——Specimens handed in of the red cloth now being supplied to the army; it is much higher in price and superior in quality to the cloth formerly supplied, 1365–1376. 1384–1391——Check followed so that that if the supply at Weedon is not like the pattern it is rejected, 1377–1383.

Comparatively slight additional expense to the public for the army clothing in consequence of the expense of the Weedon establishment, 1395–1397——On the whole, the clothing now supplied will not be dearer than the old clothing, while it will be far superior in quality, 1398, 1399——The cost and quality of the great coats will be about the same as formerly, 1402–1405. 1434–1440——The depôt at Weedon was opened on the 8th December 1855, since which period only witness's experience dates, 1406. 1444, 1445.

Explanation as to some complaints in regard to the quality of boots issued from Weedon, 1406–1428——Conditions of the contract in regard to the materials for the soles of the boots, 1429, 1430——Examination as to the extent to which witness personally inspects and is competent to do so, and as to the reliance, more or less, placed by him in his subordinates, 1448–1465——Occasional complaints by contractors against the inspectors, 1453–1455——Practice recently of stamping accepted boots with the initials of the viewer, 1470.

Engineers' Clothing. How far any reasons why the engineers, as well as the artillery, should not make up their own clothing, *Ramsay* 252–256.

Engineers' Department. Practice generally of the Engineers' Department to provide for the execution of every work by open contract, *Laffan* 1532. 1571——Preparation in the engineers' office of the specifications, &c., *ib.* 1532,1533——The contract is fully reported upon by engineer officers, but is received by the director-general of contracts, who sees to the observance of all rules required to ensure fair competition, and otherwise confers great assistance in the matter, *ib.* 1532–1539. 1545, 1546——Inquiries made by the local engineer officers as to the respectability, &c., of the contractor, *ib.* 1537–1539——The director-general of contracts now performs precisely the same part in contracts for the Engineers' Department as formerly devolved on the Ordnance Board, *ib.* 1540–1544.

System of running or triennial contracts in the case of small jobs or current repairs, *Laffan*, 1545——Commodious arrangements rather than style are mainly observed in the erection of new military buildings, *ib.* 1548, 1549——Contracts for the engineers abroad are received by the Commissariat instead of by the director-general of contracts, *ib.* 1559. 1565–1567——Constant supervision by officers of engineers during the performance of contract work, *ib.* 1573, 1574.

See also *Acceptance of Lowest Tender. Office Lists.*

F.

Failure of Contract. Probability of serious inconvenience in time of war through persons tendering who are incapable of carrying out the contract, *Boxer* 766. 800–805.

See also *Penalties.*

Fees to Public Servants. Condition that the payment of fees or gratuities to public servants in the case of contracts for military stores, renders the contracts void, *Godley* 28.

Fines. See *Penalties.*

Forage. Return of the average cost of forage for the troops in the several districts or counties in Great Britain for twelve months, according to the Commissariat contracts, *App. p.* 125——Similar return relative to Ireland, *ib.* 126.

Fortifications. The system of open contract is followed in the case of fortifications, *Laffan* 1571.

Report, 1856—*continued.*

Fuses. Importance of fuses being manufactured in the Arsenal, *Boxer* 876, 877——Reference to defective fuses for the shells during the late war; there has been no complaint since the use of the new fuse (invented by witness), *ib.* 1192–1198. 1214–1218——The fault of the old fuse was the principle of construction, *ib.* 1193–1195. 1214. 1216–1218——Difficulty in testing fuses, *ib.* 1213——The fuses during the war were not furnished by contractors, *ib.* 1215, 1216.

Statement in detail of the prime cost of making 1,000 naval fuses at the Royal Laboratory; total of 85 *l.* 18 *s.* 5¾ *d.* as against 200 *l.* under the contract system, *App. p.* 104.

G.

Godley, John Robert. (Analysis of his Evidence.)—Is Director-general of Stores, 1——Duties of the office to see to the receipt, custody, issue, and inspection of all military stores, 2, 3. 6, 7——Extract from the Order in Council of 6 June 1855, defining witness's duties, 2——Practice in regard to requisitions by witness, 7. 10. 75——Official memorandum, dated War Department, 24 May 1856, directing the steps to be taken with reference to purchases for Government, 9, 10.

General rule that all stores are to be obtained by public competition, 10——Regulations and practice in regard to purchases on commission through a sworn broker, 10. 19–24. 134, 135——Regulations and practice in regard to the office list to the tradesmen on which tenders are sent, 10–19. 25. 44–46. 138, 139. 143–151——Statement as to its not being the practice to advertise for contracts, 11–14. 19. 25. 136–139——Opinion that the greater publicity the better; this is adequately provided for by the plan of the office list, 13. 19. 25. 148–151.

In the manufacturing departments raw materials are provided in the same way as other stores are provided by witness, 26——Minute of instructions on the mode of obtaining raw materials for the departments at Woolwich, 27——Paper, dated War Department, 1856, showing the terms and conditions of the contracts now used, 28.

Advantage in the present limitation as to the period within which stores are to be inspected, 29–33——Improved system of payment under the recent regulations, 34. 42, 43——Important change as regards penalty, it being now reduced in amount, and fixed instead of discretionary, 35–41——Change of system as to the acceptance of the lowest tender, 43.

Document delivered in containing a classified statement of the system of inspection of stores at the Tower, 47. 60——Duties of the superintendent-inspector; he does not, practically, inspect any article, 47. 75, 76. 85, 86——Ascending salary of the superintending inspector, of from 370 *l.* to 450 *l.* a year 48. 84——Practical and competent qualifications of the several inspectors, four in number, 49, 50. 56–59. 80–83. 110——They are appointed by Lord Panmure upon the recommendation of witness, 51–55. 109, 110——Duties of the inspectors, 60.

System at Woolwich, whereby articles are inspected by artificers and others without the employment of any inspector from the trade, 62–65——The present system at the Tower has been in operation for four months, 66——Very faulty system previously adopted, 67, 68. 70, 71. 96——Satisfactory manner in which the new system works; absence of delay or of complaints, whilst at the same time the inspection is very rigid, 69–74. 80–83. 94–97.

Practically, the inspector's reports as to acceptance or rejection are final, 77, 78——The salary of the inspector is 250 *l.* a year, 79——Nature of the check upon the inspector passing articles below the proper quality, 86, 87——Witness superintends the provision of all military stores, except clothing and food and unmanufactured articles, 88, 89. 132, 133. 140–142——There are about 8,000 patterns of tools, 90——Practice in regard to the inspection of tools; a certain per-centage are cut for the purpose of testing the quality, 91–93. 103–108.

Reference to the remuneration of the viewers at the Tower as insufficient, 97, 98——Explanation as to there being three classes of viewers, on different salaries, 98–107——Statement as to the system of tender and of inspection adopted by the East India Company, 111–117. 124–131——Practice of the London and North Western Railway Company to advertise for certain articles, and to accept the lowest tender, under certain conditions, 111. 117–124.

There are about 10,000 tenders annually received in witness's department, 136, 137——There are about 4,000 persons on the office list, 147——Probable reason why the leading manufacturers have hitherto objected openly to compete for the supply of stores, 152–154——Expediency of continuing the existing rules in regard to inspection and rejection, 155, 156.

Government Manufacture. See *Manufacture by Government.*

Report, 1856—*continued.*

Great Coats (*Army Clothing*). It is contemplated to have a better cloth for great coats, *Ramsay* 226–228——The cloth for the great coats costs about 4*s.* 5*d.* a yard, *Elliot* 1360, 1361——The cost and quality of the great coat will under the new system be about the same as formerly, *Elliot* 1402–1405, 1434–1440, *and App. p.* 108.

Guards' Clothing. Circumstance of Colonel Moncrieff of the Scotch Fusilier Guards having offered to make up and repair the whole of the clothing of his regiment of 2,200 men, with twenty-four tailors employed the whole year round, *Ramsay* 343, 344. 573——Supply of the clothing of Guards under the system of off-reckonings, *ib.* 566–568——Intention to make up the clothing through means of a contingent of tailors attached to the several regiments, *ib.* 569–573——The men to make up the clothing are to be considered as soldiers, and under military discipline, *ib.* 570, 571. 583.

Guns. Circumstance of the guns in the Crimea, as procured by public contract, having on the whole turned out satisfactorily, *Boxer* 812–814——Intention largely to extend the manufacture of iron guns at the Arsenal, *ib.* 879–881. 914, 915——Steps at present being taken in regard to the manufacture of iron ordnance, *ib.* 1180–1186.

H.

Heads of Departments. See *Laboratories, Woolwich.*

I.

Inspection:

I. *Tower.*

II. *Weedon:*

1. Generally as to the Staff, &c.
2. Boots.
3. Clothing.
4. Saddlery.

III. *Woolwich.*

I. *Tower:*

Official regulations and conditions as to the inspection of military stores at the Tower, *Godley* 28——Advantage in the present limitation as to the period within which stores are to be inspected, *ib.* 29–33——Document delivered in containing a classified statement of the system of inspection, *ib.* 47. 60——Duties of the superintendent-inspector; he does not practically inspect every article, *ib.* 47. 75, 76. 85, 86.

Ascending salary of the superintending inspector, of from 370*l.* to 450*l.* a year, *Godley* 48. 84——Practical and important qualifications of the several inspectors, four in number, *ib.* 49, 50. 56–59. 80–83. 110——They are appointed by Lord Panmure upon the recommendation of witness, *ib.* 51–55. 109, 110——Duties of the inspectors, *ib.* 60.

The present system at the Tower has been in operation about four months, *Godley* 66——Very faulty system previously adopted, *ib.* 67, 68. 70, 71. 96——Satisfactory manner in which the new system works; absence of delay or of complaints, whilst at the same time the inspection is very rigid, *ib.* 69–74. 80–83. 94–97——Practically the inspectors' reports as to acceptance or rejection are final, *ib.* 77, 78——The salary of the inspectors is 250*l.* a year, *ib.* 79——Nature of the check upon the inspector passing articles below the proper quality, *ib.* 86, 87——Expediency of continuing the existing rules in regard to inspection and rejection, *ib.* 155, 156.

II. *Weedon:*

1. Generally as to the Staff, &c.

Advantage generally of the inspection at Weedon, practical and fully competent men being appointed to the duty, *Ramsay* 667. 675–678——Salaries of the inspectors and viewers; increase recommended, *Elliot* 1351–1358——The salaries of three classes of inspectors should be raised in each case, *ib.* 1355–1358——Examination as to the extent to which witness personally inspects and is competent to do so, and as to the reliance, more or less, placed by him in his subordinates, *ib.* 1448–1465——Occasional complaints by the contractors against the inspectors, *ib.* 1453–1455.

2. Boots:

Improved system of inspection of boots at Weedon as compared with the inspection at the Tower, *Ramsay* 654. 669. 675–683——Lax inspection under the former system, *ib.* 654–659. 667——Rejection under the new system of 7,000 out of 12,000 pairs of boots, *ib.* 657.

Report, 1856—*continued.*

INSPECTION—continued.

II. *Weedon*—2. Boots—continued.

Staff of six viewers and two inspectors for the inspection of boots, *Elliot* 1272–1274——Very searching character of the inspection, each boot being separately examined, *ib.* 1272. 1275-1277. 1430——Out of 200,121 pairs of boots, 57,997 pairs have been rejected, *ib.* 1277——Good effect of the inspection, *ib.* 1278. 1281, 1282——Practice recently of stamping accepted boots with the initials of the viewer, *ib.* 1470.

3. Clothing:

Inspection under the old system by the deputy adjutant-general and the deputy quartermaster-general, and subsequently by regimental Boards, who had power of rejection, *Ramsay* 165–175—— Under the new system all clothes and made-up clothing will be inspected at Weedon by practical and competent men, *ib.* 180–183. 317——Care taken that the deliveries hitherto have been equal to the pattern, *ib.* 197–200. 205, 206——Rejection of about one-fifth of the whole supply, *ib.* 208–210——Facility for arranging that the inspection of the cloth might, as in France, partly be superintended by officers or non-commissioned officers, *ib.* 318–320—— Extent to which the inspectors at Weedon may be said to regulate the quality of the clothing worn by the army, *ib.* 443–451.

Difficulty in bad cloth or any other inferior article passing the inspection under the improved system, *Ramsay* 470. 487, 488. 515, 516. 529, 530. 647. 675–678——Operation of the system of inspection through the means of Boards of officers of each regiment; how far of use after prior inspection and approval at Weedon, *ib.* 473–475. 489–499——Doubt as to the former inspection by the deputy adjutant-general and deputy quartermaster-general having been of much use, *ib.* 518–520——Insufficiency of an inspection merely by a regimental Board, *ib.* 521–528.

Explanation relative to the cloth recently supplied to the regiments in India; it was equal or superior to the sealed pattern laid before the inspectors, but such pattern was inferior, *Ramsay* 719–730. 741–745; *Elliot* 1322–1347——All the cloth passed was equal to the pattern, and ten-twelfths of it was superior to it, *Elliot* 1332. 1336. 1344.

Staff of two inspectors and six viewers for the inspection of the cloth at Weedon, *Elliot* 1258–1264—— Form in which the inspection is carried out, *ib.* 1258. 1266—— Belief that the officers do their duty satisfactorily, and that the inspection is a sufficient one, *ib.* 1267, 1268. 1271. 1278——Out of 333,800 yards, 20,054 yards have been rejected, *ib.* 1278.

Practice in regard to the issue of cloth for great coats or tunics, and the inspection of the coats when received from the contractors, *Elliot* 1293. 1296, 1297. 1300–1303. 1320. 1348–1350. 1441, 1442——Inspection at present of the Indian clothing at Messrs. Hayter & Howell's, *ib.* 1298, 1299. 1322——Difficulty in regard to stamping the red cloth before it is issued to be made up; the cloth for great coats is stamped, *ib.* 1320, 1321. 1471——Competent examination into the workmanship as well as into the identity of the cloth, *ib.* 1348, 1349——Check followed so that if the supply at Weedon is not like the pattern it is rejected, *ib.* 1377–1383.

4. Saddlery:

Intention to dispense with the inspection of saddlery at Weedon, *Ramsay* 607–612.

III. *Woolwich:*

System at Woolwich whereby articles are inspected by artificers and others without the employment of any inspector from the trade, *Godley* 62–65.

See also *Tools. Viewers.*

Iron. Mode of procuring iron for the Arsenal, *Boxer* 1163. 1236——Quality and price of iron required for shells; usefulness of worn-out guns for the purpose, *ib.* 1237–1243.

See also *Brokers.*

Italian Legion, Clothing of. Circumstances connected with the supply of clothing in the Italian Legion at Malta, such supply being very superior, *Ramsay* 735–740.

K.

Kinnaird, Mr. The shells supplied during the war by Mr. Kinnaird were, on the whole, very good, *Boxer* 1125–1127.

L.

Laboratories, Woolwich. Witness is superintendent of the Royal Laboratories, *Boxer* 759——Practice whereby witness makes recommendations relative to contracts, and the Secretary of State accepts or rejects such contracts, *ib.* 760–763. 1102–1105. 1152–1159——The department has never made a contract on the principle of open competition,

Report, 1856—*continued.*

Laboratories, Woolwich—continued.

petition, *Boxer* 817–820. 1117. 1162——Successful result of the plan pursued at the laboratory of allowing the head of the department to procure materials from the person in whom he has the most confidence, *ib.* 854–856——Due performance by witness of engagements entered into during the war for the supply of materials through his department, *ib.* 855, 856——Peculiar importance in vesting a considerable discretion in the head of the department, *ib.* 871–873. 1000.

Approval of the officers under witness being junior officers of artillery, *Boxer* 1065——Duties, unconnected with the manufactures, of the captain-instructor and captain-inspector in witness's department, *ib.* 1066–1072. 1087. 1090——Witness prefers the present system of captain-instructor to the former system of fire-master, *ib.* 1067, 1068. 1078–1090——Several duties of witness as superintendent of the laboratories, *ib.* 1097–1101. 1149, 1150——Objection to the director-general of contracts buying the required materials, as being independent of the party to examine them, *ib.* 1152, 1153.

See also *Arsenal. Diaphragm Shells. Fuses. Machinery. Manufacture by Government. Office Lists. Public Competition. Shells.*

Laffan, Captain (Member of the Committee). (Analysis of his Evidence.)—Is Deputy Inspector-general of Fortifications, 1529——His department has charge of all military works and buildings, 1530, 1531——Practice generally of the Engineers' Department to provide for the execution of every work by open contract, 1532. 1571——Preparation in the engineers' office of the specifications, &c., 1532, 1533——The contract, though fully reported upon by engineer officers, is received by the director-general of contracts, who sees to the observance of all rules required to ensure fair competition, and otherwise confers great assistance in the matter, 1532–1539. 1545, 1546——The director-general of contracts now performs precisely the same part in contracts for the Engineers' Department as formerly devolved on the Ordnance Board, 1540–1544.

System of running or triennial contracts in the case of small jobs or current repairs, 1545——Particular cases in which the competition is limited to a small number of contractors, 1545, 1546. 1567——General rule, in all cases of open competition, to accept the lowest tender; exceptions thereto, 1547. 1572——Commodious arrangements rather than style are mainly observed in the erection of new military buildings, 1548, 1549——Any want of water or any bad drainage in the case of the Sheffield barracks is not chargeable to the contractor for the building, 1550–1558.

Contracts for the engineers abroad are received by the Commissariat instead of by the director-general of contracts, 1559. 1565–1567——Provision in the nature of penalties for the proper performance of all engineers' contracts, 1560–1564——Circumstances under which it sometimes, though rarely, happens that application is made to one person only for the execution of a particular work, 1567–1570——Constant supervision by officers of engineers during the performance of contract work, 1573, 1574.

Land Transport Corps. Much less price at which the Army Clothing Department has been enabled to supply clothing to the Land Transport Corps than when it was ordered by Colonel M'Murdo from Messrs. Hebbert & Co., *Ramsay* 239–241——Statement as to the supply of some overalls to the corps; they have not yet been reported on by Colonel M'Murdo, *ib.* 534–549——Some clothing supplied through the colonel has been complained of, *ib.* 535. 537——The overalls were not supplied strictly under the new system, as they were viewed at the Tower, *ib.* 548, 549.

Limited Contracts. See *Office Lists. Selection of Contractor.*

Linen and Woollen Articles. Regulations as to the inspection of all linen and woollen articles delivered at the Tower; enumeration of these articles, *Godley* 47. 60.

Lists of Contractors. See *Office Lists.*

London and North Western Railway Company. Practice of the company to advertise for certain articles, and to accept the lowest tender, under certain conditions, *Godley* 111. 117–124.

Low Moor Company. Less cost in the manufacture of shells by Government than by the Low Moor Company, *Boxer* 994–996. 1019–1029.

M.

Machinery, Arsenal. Very superior character of the Government machinery for shells adverted to as a reason for their being able to manufacture more cheaply than manufacturers in general, *Boxer* 940–947. 1015–1028——Practice of tender by a limited number of manufacturers, whereby the machinery in witness's department was procured, *ib.* 1175–1179.

Report, 1856—*continued.*

Manufacture by Government. Decision by the Secretary of State for War of the mode of purchase of materials required in the manufacturing department, Woolwich, the department in the first instance making recommendations on the subject, *Boxer* 760-763. 1102-1105. 1152-1159——Superior quality and lower price of materials when manufactured at the Arsenal than when procured by contract, *Boxer* 864-866. 876 *et seq.*——In time of war it is of great importance that Government should manufacture certain articles, keeping up a large establishment for the purpose, *ib.* 874, 875——Advocacy of the manufacture of special articles by Government on the ground not only of the quality but of economy, *ib.* 876 *et seq.*

It is intended to manufacture all shells and shot and various other articles in the Arsenal exclusively, *Boxer* 911-915——Probable effect of manufacturing certain articles in the Arsenal upon the value of private machinery, *ib.* 971. 1249-1253——Further evidence in favour of a Government establishment large enough to supply at a very short notice all warlike materials of a special nature; answer to objections thereto on the score of expense, *ib.* 967 *et seq.*——So much has already been saved by the Government manufacture, that the cost of the establishment has been covered thereby, *ib.* 970. 1199-1201——Considerable extent to which the Government manufacturing departments provided supplies during the war, though they were then in an incomplete state, *ib.* 1170-1174.

See also *Arsenal. Laboratories. Shells.*

Meat. Forms of tender used by the Commissariat Department in the case of supplies of beef and mutton in England and Wales, *App. p.* 115-121——Average cost of meat for the troops in the several districts or counties in Great Britain, for twelve months, according to the Commissariat contracts, *ib.* 125——Similar statement in regard to Ireland, *ib.* 126.

Metals and Ironmongery. Enumeration of articles under the head of metals and ironmongery as inspected at the Tower, *Godley* 47——Regulations in regard to the system of inspection, *ib.* 47. 60.

Military Stores. See *Acceptance of Lowest Tender. Advertising. Arsenal. Brokers. Clothing, Army. Diaphragm Shells. Director-general of Stores. Fuses. Laboratories. Manufacture by Government. Office Lists. Penalties. Public Competition. Raw Materials. Shells. Stock. Weedon.*

Militia Clothing. Explanation as to the system on which clothing has been provided for the militia for the current year, *Ramsay* 230-238. 423-430. 454-464——Nature of the redress in the event of the clothing, not examined at Weedon, being found on wear to be inferior, *ib.* 454-469. 485, 486. 501——Return of the prices payable to contractors for militia clothing for the year 1856-57, *App. p.* 105.——*See* also *Boots.*

Miscellaneous Services. Course to be pursued with regard to contracts for miscellaneous services, as ordered by the official memorandum, dated War Department, 24 May 1856, *Godley* 10.

Mortars. Quality of the mortars used at Sweaborg adverted to; how these were procured, *Boxer* 815 817. 858-863.

N.

Naval Fuses. Considerable less cost of naval fuses as made in the Arsenal than as procured from contractors, *Boxer* 948, 949, *and App. p.* 104.

O.

Office Lists. Regulation and practice in regard to the office list, to the tradesmen on which tenders are sent for the supply of military stores, *Godley* 10-19. 25. 44-46. 138, 139. 143-151——There is an annual advertisement that any one who chooses may have his name put on the list, *ib.* 12. 19. 46. 148-151——Convenience of the list as compared with public advertisement, *ib.* 14. 17. 136-139——Rare instances of names being withdrawn from the list, *ib.* 143——There are about 4,000 persons on the list, *ib.* 147.

Great distinction between a system of open tender and a system of confining the competition to a limited and carefully selected number of contractors; approval of the latter system, *Boxer* 765, 766. 823-831. 837-857——An immense number of articles have been procured at the laboratory under the plan of an office list, *ib.* 821——Necessity of the list being carefully compiled and revised, *ib.* 823-829. 850-853——The list should be confined to contractors of respectability, *ib.* 825-828. 837——It should be framed on the consideration whether it was a time of peace or of war, *ib.* 828, 829.

Further approval of a system of limited contract to one of open contract, *Boxer* 998-1000——Satisfactory performance of contracts during the war by the more respectable and leading firms, *ib.* 1167-1169.

Particular

Report, 1856—*continued.*

Office Lists—continued.

Particular cases in which the competition, in the case of contracts for the Engineers' Department, is limited to a small number of contractors, *Laffan* 1545, 1546. 1567.

See also *Laboratories. Public Competition. Schedule of Prices. Selection of Contractor.*

P.

Patterns (*Army Clothing*). The Clothing Department has no responsibility in regard to the patterns, which are fixed by the Commander-in-Chief, *Ramsay* 184, 185. 198–200. 257–262. 404–411. 443, 444——Authority of the Commander-in-Chief to call together a Board of general officers to consider the dress of the army, *ib.* 265–267——The Board of general officers, unless called upon by the Commander-in-Chief, give no opinion about the pattern, *ib.* 730. 744, 745——Patterns are kept at the War Department, from which specifications for the required cloth are drawn up as a guide to contractors, *Elliot* 1363, 1364.

Payment of Contractors. Conditions of contract as to payment for military stores delivered at the Tower, *Godley* 28——Improved system of payment under the recent regulations, *ib.* 34. 42, 43.

Penalties. Conditions as to the penalty for non-fulfilment of contract for military stores to be delivered at the Tower, *Godley* 28——Important change as regards penalty, it being now reduced in amount, and fixed instead of discretionary, *ib.* 35–41——Formerly the fine was very heavy, but in the great majority of instances was not enforced, *ib.* 35–37.——As a matter of course, fines are now always enforced, *ib.* 38–40.

After clothing passes the inspection at Weedon, the only redress, in the event of inferiority, will be to strike the contractor's name off the office list, and to dismiss the inspectors who passed the clothes, *Ramsay* 468–472. 489–508. 517——Inadequate security afforded to Government by the penalties for breach of contract, *Boxer* 1124. 1128–1133. 1136–1140——Conditions in regard to fines or penalties for non-fulfilment of Commissariat contracts, *Petrie* 1500–1506. 1524——Provision in the nature of penalties for the proper performance of all engineers' contracts, *Laffan* 1560–1564.

Percussion Caps. Manufacture in the laboratory of percussion caps, *Boxer* 1188–1191.

Petrie, Samuel. (Analysis of his Evidence.)—Is Director-general of the Commissariat, 1472——General rule to obtain all Commissariat supplies by public advertisement and the most open competition possible, 1473–1475. 1486, 1487. 1495. 1507–1509. 1527——Security that there is no alteration in the tender before the contract is assigned, 1476——Exceptional circumstances under which the lowest tender is occasionally not accepted, 1477–1479. 1484. 1486, 1487——Course adopted in the event of the two or three lowest tenders being at the same, 1480——Practice respectively at home and abroad in regard to the periods for which contracts are entered into, 1481, 1482. 1519, 1520.

In some rare cases compensation is allowed to the contractor in the event of loss through unforeseen circumstances, 1483. 1523——Practice in the case of contracts abroad undertaken by the Commissariat for the army or navy, or for the convict service, 1485–1487. 1495, 1496——System of open competition also pursued in the case of sales by the Commissariat, 1488——Course adopted in the event of local obstacles to entering into a contract, 1489——Steps taken to ascertain the character of the contractor and of his securities, 1490, 1491.

Strong approval of the Commissariat system of open contract; it works admirably, 1492. 1507. 1528——Samples are rarely, if ever, furnished to contractors, 1493, 1494——The supply of the home army was contracted for through the Commissariat previously to 1835, and was resumed in 1854; 1496, 1497——General form of the contracts adverted to, 1498, 1499. 1527——Conditions in regard to fines or penalties for non-fulfilment of contract, 1500–1506. 1524——Objection to a subdivision of the contract for any article in a particular district, 1510–1522.

Petrie, Mr. Papers delivered in by Mr. Petrie in elucidation of his evidence in regard to Commissariat contracts, *App. p.* 109–125.

Prices. Unduly increased prices charged by manufacturers in time of war, or when any extraordinary demand arises, *Boxer* 881. 897–909. 954, 955. 983. 986–989.

See also *Artillery Clothing. Boots. Clothing, Army. Diaphragm Shells. Low Moor Company. Manufacture by Government. Shells. Shrapnel Sockets.*

Public Competition. As a general rule, all supplies of stores are to be obtained by public competition, as ordered by the official memorandum, dated War Department, 24 May 1856, *Godley* 10——Opinion that the greater publicity the better; this is adequately provided for by the plan of the office list; *ib.* 13. 19. 25. 148–151——Probable reason why the leading manufacturers have hitherto objected to compete for the supply of military stores, *ib.* 152–154——Contracts will, under the new system of army clothing, be made by open tender for the cloth, *Ramsay* 181. 192, 193.

Report, 1856—*continued.*

Public Competition—continued.

Evidence strongly opposed to the system of open competition, accompanied with the acceptance of the lowest tender, for the supply of raw materials for the Laboratory, *Boxer* 764 *et seq.*——Probability that under a system of open competition not only would objectionable parties tender, but that the more respectable firms would not come forward, *ib.* 798–805——Experience on which witness grounds his objections to the system of open competition for the supply of war materials, *ib.* 817–820. 1106–1118. 1149–1151. 1160–1162——The system of open competition has not yet been tried at the Royal Laboratory, *ib.* 817–820. 1117. 1162——Limited number of the leading firms or public companies which resort to direct competition for supplies, *ib.* 847, 848. 857.

In time of peace contracts for warlike stores may answer very well, *Boxer* 874——Explanation as to open competition through public advertisements not having been resorted to in the case of several articles urgently required during the late war, *ib.* 951–953. 956–963. 1030–1034. 1208, 1209——Liability to personal corruption or abuse in the case of open contracts as well as in the case of any other system of supply, *ib.* 1000–1006.

General rule to obtain all Commissariat supplies by public advertisement and the most open competition possible, *Petrie* 1473–1475. 1486, 1487. 1495. 1507–1509. 1527——Security that there is no alteration in the tender before the contract is assigned, *ib.* 1476——System of open competition also pursued in the case of sales by the Commissariat, *ib.* 1488——Strong approval of the Commissariat system of open contract; it works admirably, *ib.* 1492. 1507. 1528.

Rule in the Engineers' Department to adhere as much as possible to the system of open competition, *Laffan* 1532. 1571.

See also *Acceptance of Lowest Tender. Advertising. Boots. Chemicals. Delay. Fortifications. Manufacture by Government. Office Lists. Quality of Supplies.*

Q.

Quality of Supplies. Inexpediency of the system of open competition, more especially in time of war, on account of the impossibility of properly ensuring the quality of the article, *Boxer* 766–771. 793, 794. 796–798. 836——A good article may be got by open competition, but the chances are that it will not be got, *ib.* 1161.

See also *Boots. Clothing*, 1. 2. *Crucibles. Manufacture by Government. Penalties. Shells.*

R.

Ramsay, George Dalhousie. (Analysis of his Evidence.)—Is Assistant Director-general of Army Clothing, 157——Formation of the Army Clothing Department in June 1855; 158——Duties of the department, up to 31 March 1857, explained by reference to the official memorandum, 159, 340, 341——Supply previously of the clothing for the infantry and cavalry by the colonels of the regiments, through the medium of regimental agents, 160, 161——Rates of off-reckonings allowed to colonels; the profits for each regiment in the infantry averaged 750*l.* a year, 161——Abolition in June 1854 of the system of off-reckonings, in lieu of which the colonels received a fixed annual payment, 161, 162.

Up to 31 March 1857 the engagements, as entered into by the colonels, will continue to be carried out independently of the Army Clothing Department, save as regards the payment of the bills, 163, 164. 176–179. 188——Inspection, under the old system, by the deputy adjutant-general and the deputy quartermaster-general, and subsequently by regimental Boards, who had power of rejection, 165–175——Under the new system, all the cloth and made-up clothing will be inspected at Weedon by practical and competent men, 180–183. 317——Contracts will first be made by open tender for the cloth, 181. 192, 193——When the cloth has been inspected, contracts will then be entered into in London or elsewhere for making up the same, 181. 218–220. 321.

The Clothing Department has no responsibility in regard to the patterns, which are fixed on by the Commander-in-Chief, 184, 185. 198–200. 257–262——Duties discharged by the late Board of General Officers in regard to claims and disputes, 186, 187——The new department has supplied merely the undress uniform for the regiments in India, 189——Cloth has been delivered at Weedon for the army generally, and steps are being taken to provide the supply subsequently to March 1857; 190–196.

Care taken that the deliveries have been equal to the pattern, 197–200. 205, 206——Effect of a delay in the delivery of some of the cloth, 201–204——Names of the contractors from whom the several descriptions of cloth have been obtained, together with the price per yard, 207——Rejection of about one-fifth of the whole supply, 208–210——The red cloth about to be supplied to the army is very much superior to that formerly supplied; it is, in fact, the same quality as that supplied to the serjeants and drummers, 211–214.

Report, 1856—*continued.*

Ramsay, George Dalhousie. (Analysis of his Evidence)—*continued.*

Return delivered in showing the prices which were paid last year to the army clothiers, 215, *and App. p.* 105——The new tunic will cost about 2*s.* 6*d.* more than the old tunic, but there will be a saving of 2*s.* on the shako, and of 1*s.* on the trousers, 216, 217. 222–224——In furnishing the material for making up, the measurement of each man is made by a size-roll supplied by the regiment, 218–221——The trousers cloth will be the same as heretofore, 225——It is contemplated to have a better cloth for great coats, 226–228.

Return showing the exact cost price of the tunic coat, of the trousers, and of the shell jacket, 229——Explanation as to the system on which clothing has been provided for the militia for the current year, 230–238——Much less price at which the department has been enabled to supply clothing to the Land Transport Corps than when it was ordered by Colonel M'Murdo from Messrs. Hebbert & Co., 239–241——Practice by which the artillery will make up their own clothing, at an estimated saving of 14,000 *l.* a year, 243–251. 336——How far any reason why the engineers, as well as the artillery, should not make up their own clothing, 252–256.

Authority of the Commander-in-Chief to call together a Board of General Officers to consider the dress of the army, 265–267——System in the French army whereby each regiment makes up its own clothing, 268–271——Obstacles to the infantry in this country making up their own clothing through means of regimental tailors; this plan, however, is partly adopted in the cavalry, artillery, and Guards, and has some important advantages, 272–292. 333–338——Equally good quality of the shako at the reduced price of 5*s.* 6*d.*; 293–297.

How far witness's department ever is cognizant of or interferes with the system of contracts for cloth, 298–312——A saving of 88,928 *l.* a year under the new mode of clothing the army is merely an estimate, 313–315——Facility for arranging that the inspection of the cloth might, as in France, partly be superintended by officers or non-commissioned officers, 318–320——All the cloth is sent to Weedon, as providing good store-room, and being convenient of access, 321–324——Shoes, cloth for the cavalry, shakos, &c., are inspected at Weedon, 325–332——One tailor could make three tunics in a week, and ten tailors would make up the clothing for a company of 100 men, 339. 342.

[Second Examination.]—Circumstance of Colonel Moncrieff of the Scots Fusilier Guards having offered to make up and repair the whole of the clothing of his regiment of 2,200 men with twenty-four tailors employed the whole year round, 343, 344. 573——Calculation that had the old system continued, the profits of the colonel, when each regiment was on the war establishment, would have been 1,525 *l.* 16*s.* 8*d.*; 345–347. 351, 352——Belief as to the correctness of Sir Willoughby Gordon's estimate that the profit of the colonel was 15*s.* 3*d.* per man, 346. 367–370.

Considerable additional profits of the colonels during the war if they had received the off-reckonings of 2 *l.* 6*s.* per man for the whole number voted by Parliament, 348–360——Explanation of the term "off-reckoning," 350. 354. 358–360. 420——Large sum saved by Government during the war through the abolition of the off-reckoning, 355–357. 371–374——Probable loss at times to the colonel through casualties to the clothes, he being obliged to run all risks, 361–366. 375–383.

Sundry particulars as to the staff of the Army Clothing Department at Weedon and in Pall Mall, 387. 403, *and App. p.* 100–102. 106, 107——The salaries in Pall Mall amount to 3,400 *l.*; 399, 400——And at Weedon to about 11,000 *l.*; 402——Further evidence as to the pattern and quality of the cloth being decided on irrespectively of the department, 404–411. 443, 444——Payment of the clothiers' bills by the public during the year 1854–55, when the off-reckonings were stopped, 412–415——Change from the coatee to the tunic subsequent to the abolition of the off-reckonings, 416–418——There have been several complaints about the tunics, 419.

Further explanation of the course pursued by the department in providing clothing for the militia, 423–430. 454–464——Doubt as to greater complaints or inferior clothing when the supply has been by the Ordnance than when by the colonels, 430–442——Extent to which the inspectors at Weedon may be said to regulate the quality of the clothing worn by the army, 443–451——Nature of the redress in the event of the militia clothing not examined at Weedon being found, on wear, to be inferior, 454–469. 485, 486. 501.

Possibly greater remedy to the soldier under the old system than at present, if the clothing prove inferior, 468–472. 489–508. 517. 731–734——After the clothing passes the inspection at Weedon, the only redress, in the event of its inferiority, will be to strike the contractor's name off the office list, and to dismiss the inspectors who passed the clothing, 468–472. 489–508. 517——Difficulty in bad cloth or any other inferior article passing the inspection under the improved system, 470. 487, 488. 515, 516. 529, 530. 647. 675. 678——Operation of the system of inspection through means of Boards of officers of each regiment; how far of use after a prior inspection and approval at Weedon, 473–475. 489–499.

Report, 1856—*continued.*

Ramsay, George Dalhousie. (Analysis of his Evidence)—*continued.*

Alteration by the regimental tailors in the event of the clothes not fitting, 476-482——Further reference to the objections offered to a system of making up the clothing at the head-quarters of each regiment, 484. 574——Expense in the carriage of the clothing to and from Weedon adverted to; it is on the whole a prudent outlay, 509-514. 528. 616-621——Doubt as to the former inspection by the deputy adjutant-general and deputy quartermaster-general having been of much use, 518-520——Insufficiency of inspection merely by a regimental Board, 521-528.

The only supplies under the new system have been to the Land Transport Corps and the Militia, 531-533——Statement as to the supply of some overalls to the Land Transport Corps; they have not yet been reported on by Colonel M'Murdo, 534-549——Absence of complaint in regard to the clothing for the Artillery and the Sappers and Miners; it is subject to rigid inspection at Woolwich, 550-553. 559-565——System of providing clothing for the colonial corps, 554-558.

Supply of the Guards under the system of off-reckonings, 566-568——Intention to make up the Guards' clothing through means of a contingent of tailors attached to the several regiments, 569-573——Present regulation in the cavalry that the men who make up the clothing are not to be considered as soldiers, 575-581——Approval of treating the tailors attached to regiments merely as tailors, 582, 583——Distinct contract with the cloth manufacturer and with the clothier; advantage thereof, 584-587. 613-615.

Provision of patterns of saddlery adverted to, 590-592——Difficulties in regard to the saddletrees, on account of their being made away from the regiment, 593. 627-636——Intention to make all the saddletrees at Woolwich Arsenal, 593-595. 610, 611——Inferior saddlery furnished under contract to the German Legion; it passed the viewers at the Tower, but was reported against by the regimental officers, 597-600. 622-626——Explanation as to some bits having been defective, 601-606——Intention to dispense with the inspection of saddlery at Weedon, 607-612.

Details relative to the supply of boots as provided by the colonels and by the Ordnance, 637. 641-655. 660-664——Particulars as to the system about being adopted by the War Department in regard to the supply of boots; its advantages over the former system, 637-647. 656-686——Advantage generally of the inspection at Weedon, practical and fully competent men being appointed to the duty, 647. 667. 675-678——Improved system of inspection of boots at Weedon as compared with the inspection at the Tower, 654-669. 675-683.

The Weedon establishment will not cause an increase of more than two per cent. upon the gross cost of the army clothing, 684——Intention to furnish the cavalry with trousers somewhat upon the French model, 687-692——Witness will prepare for the Committee an amended return of the expense of the army clothing, giving the particulars in the case of soldiers of the different corps, 693-699——With reference to the opening and acceptance, &c. of tenders, witness cannot give particulars, and refers the Committee to the director-general of contracts, or to his representative, Mr. Marshall, 700-718.

Explanation relative to the cloth recently supplied to the regiments in India; it was equal or superior to the sealed pattern laid before the inspectors, but such pattern was inferior, 719-730. 741-745——The Board of General Officers, unless called upon by the Commander-in-Chief, give no opinion about the pattern, 730. 744, 745——Circumstances connected with the supply of clothing to the Italian Legion at Malta, such supply having been very superior, 735-740——Supply for the present of necessaries to the soldiers at the expense of Government, 747-749——Further reference to the supply of shakos at a reduced price; the contract is not yet entered into, 750-757.

Raw Materials. In the military manufacturing departments raw materials are provided by the heads of departments in the same way as other stores are provided by witness, *Godley* 26——Minute of instructions on the mode of obtaining raw materials for the departments at Woolwich, *ib.* 27.

Regimental Tailors. See *Clothing, Army,* 3. *Guards' Clothing.*

Rejection of Stores. Conditions of contract as to the receipt or rejection of military stores, *Godley* 5.

S.

Saddlery (Cavalry). Provision of patterns of saddlery for the cavalry adverted to, *Ramsay* 590-592—— Difficulties in regard to the saddletrees on account of their being made away from the regiments, *ib.* 593. 627-636——Intention to make all the saddletrees at Woolwich Arsenal, *ib.* 593-595. 610, 611——Inferior saddlery furnished under contract to the German Legion; it passed the viewers at the Tower, but was reported against by the regimental officers, *ib.* 597-600. 622-626——Explanation as to some bits having been defective, *ib.* 601-606.——*See* also *Inspection,* II. 4.

Schedule

Report, 1856—*continued.*

Schedule of Prices. Satisfactory result of sending tenders, according to a schedule of prices, to a limited number of contractors in the case of some recent buildings at the Arsenal, *Boxer* 837–849——Explanation as to the erection by Sir Charles Fox of a Paxton roof at Aldershot, without open contract or competition having been resorted to, *Laffan* 1568–1570.——*See* also *Selection of Contractor.*

Selection of Contractor. In some instances instead of having recourse to all the names on the office list, it would be preferable to select a particular party to supply the article required, *Boxer* 831. 845, 846. 850. 854, 855——Circumstances under which it sometimes, though rarely, happens that application is made for one person only for the execution of a particular work for the Engineers' Department, *Laffan* 1567–1570.

See also *Office Lists.* *Schedule of Prices.*

Shakos (*Army Clothing*). Offer made to the Army Clothing Department to furnish the shako for the line at 5 *s.* 6 *d.*, the price to the colonels having been 7 *s.* 6 *d.*, *Ramsay* 216——Equally good quality of the shako at the reduced price of 5 *s.* 6 *d.*, *ib.* 293–297——Further reference to the supply of shakos at a reduced price; the contract is not yet entered into, *ib.* 750–757.

Sheffield Barracks. Any want of water or any bad drainage in the case of the Sheffield Barracks is not chargeable to the contractor for the building, *Laffan* 1550–1558.

Shell Jackets (*Line Regiments*). Estimate of 6 *s.* 10 *d.* as the cost price of the shell jacket for the Line, *Ramsay* 229.

Shells. Difficulty as well as expense in testing shells by waterproof or hydraulic pressure adverted to as a forcible reason against their being obtained by public contract, *Boxer* 770–792. 864–866——Distinct test by firing, as compared with test by ordinary pressure, *ib.* 772–791——Security for the goodness of the shells if made at the Arsenal, *ib.* 811——Inadequacy of public contracts, during the late war, as a means of providing a sufficiency of shells, *ib.* 875. 956–963. 1029–1031. 1118–1134.

Statement as to the excessive cost of shells procured by public contract, as compared with shells made in the Arsenal; examination hereon, *Boxer* 876, 877. 881–909. 933–939. 970. 984–997. 1021–1028. 1039–1044. 1141–1148. 1205–1209, *and App. p.* 103—— The 13-inch shells are manufactured in the Arsenal at 6 *l.* 7 *s.* 4 ½ *d.* per ton, whereas the average price by contract was 11 *l.* 15 *s.*; *ib.* 881——Difficulty in testing contract shells further adverted to, *ib.* 910. 1134, 1135. 1151——Allowance in witness's calculations for the cost of machinery, plant, &c., and the interest thereon, *ib.* 935–939. 1142, 1143—— Low stock of shells at the commencement of the war, *ib.* 964. 990——Opinion that if all the shells used in the late war had been manufactured by Government, there would have been a saving of half a million sterling, *ib.* 970.

About 150 or 200 tons of shells can at present be made daily in the shell factory, *Boxer* 972, 973——For shells and shot, the cost of machinery, buildings, and everything else, will be about 55,000 *l. ib.* 984, 985. 1202–1204——The Arsenal-made shells during the late war were generally very good, *ib.* 1007——Reference to a contract for shells in which, after much undue delay, very defective shells were supplied, *ib.* 1118–1123. 1134.

Explanation as to the sum allowed in witness's calculation for the expense of fixed charges at the Arsenal, *Boxer* 1144–1147——The cost of the foundry would be saved in a month in time of war, *ib.* 1202–1205——About 100,000 *l.* would have been saved on the shells required for the Baltic Fleet, *ib.* 1206, 1207——The workmen in the Arsenal are paid by the piece for shells, *ib.* 1212.

Statement of the prime cost of making one ton of the various shells used in the service; showing also the saving effected on the contract price, *App. p.* 103.

See also *Diaphragm Shells.* *Iron.* *Kinnaird, Mr.* *Low Moor Company.* *Machinery.* *Manufacture by Government.*

Shrapnel Sockets. Instance in the case of the Shrapnel socket, of great economy through manufacture in the Arsenal, *Boxer* 950–953——Statement in detail of the cost of the manufacture of 1,000 Shrapnel sockets; total of 4 *l.* 3 *s.* 2 *d.* as against 50 *l.* under the contract system, *App. p.* 104.

Size-rolls (*Army Clothing*). In furnishing the material for making up, the measurement of each man is made by a size-roll, supplied by the regiment, *Ramsay* 218–221—— Impossibility of fitting the men properly by the system of size-rolls, *ib.* 283, 284.

Stock (*Warlike Stores*). Inexpediency of any large stock of shells, or of any large warlike store generally during time of peace, *Boxer* 945. 966. 1230–1232.——*See* also *Shells.*

Subdivision of Contracts. Objection to a subdivision of the Commissariat contract for any article in a particular district, *Petrie* 1510–1512.

Report, 1856—*continued.*

T.

Tenders. See *Acceptance of Lowest Tender. Clothing, Army. Commissariat, The. Director-general of Stores. East India Company. Manufactures by Government. Office Lists. Public Competition. Quality of Supplies. Schedule of Prices. War Department.*

Tools. There are about 8,000 patterns of tools in the Tower, *Godley* 90——Practice in regard to the inspection of tools; a certain per-centage are cut for the purpose of testing the quality, *ib.* 91–23. 103–108.

Tower. Terms and conditions of the contract in regard to all Government supplies to be delivered at the Tower, *Godley* 28.

Statement in explanation of the office business at the Tower, *Godley* 60——It is altogether separate from the practical inspection, *ib.* 60. 75.

See also *Inspection*, I. *Viewers.*

Trousers (*Army Clothing*). The trousers cloth will, under the new system, be the same as heretofore, *Ramsay* 225——Estimate of 6 *s.* 8 *d.* as the cost price of trousers for the Line, *ib.* 229——The cost of the cloth for trousers is from 4 *s.* 7 *d.* to 4 *s.* 9 *d.* a yard, *Elliot* 1318.

Tunic (*Army Clothing*). Estimate of 14 *s.* 9 *d.* as the cost price of the tunic, *Ramsay* 229——Change from the coatee to the tunic subsequent to the abolition of the system of off-reckonings, *ib.* 416–418——There have been several complaints about the tunics, *ib.* 419.

V.

Viewers. Reference to the remuneration of the viewers at the Tower as insufficient, *Godley* 98–107——The viewers at Weedon should not have less than 5 *s.* or more than 7 *s.* a day, *Elliot* 1353, 1354.——*See* also *Inspection.*

W.

War. See *Delay. Failure of Contract. Laboratories. Manufacture by Government. Office Lists. Public Competition. Shells.*

War Department. Official memorandum, dated War Department, 24 May 1856, directing the steps to be taken with reference to purchases for Government, *Godley* 9, 10—— Paper, dated War Department, 1856, showing the terms and conditions of the contracts now used, *ib.* 28.

Weedon. All the cloth for the army is sent to Weedon, as providing good store room, and being convenient of access, *Ramsay* 321–324——Shoes, cloth for the cavalry, shakos, &c. are inspected at Weedon, *ib.* 325–332——The salaries at Weedon amount to about 11,000 *l.*, *ib.* 402——Expense of the carriage of the clothing to and from Weedon adverted to; it is, on the whole, a prudent outlay, *ib.* 509–514. 528. 616–621——The Weedon establishment will not cause an increase of more than two per cent. upon the gross cost of the army clothing, *ib.* 684.

Witness is superintendent of army clothing at Weedon, *Elliot* 1254——Duties of the office to receive from the contractors all articles of army clothing, to inspect them, and to issue them to the troops, *ib.* 1255–1257——The cost of carriage to Weedon is included in the contractors' prices, *ib.* 1319. 1392–1394——Comparatively slight additional expense to the public for the army clothing in consequence of the expense of the establishment, *ib.* 1395–1397——The depôt at Weedon was opened on 8 December 1855, since which period only witness's experience dates, *ib.* 1406. 1444, 1445.

Return of the names, date of appointment, previous employment, and the age and salary of all persons employed in the establishment at Weedon, *App. p.* 100–102—— Further return of the names of officers, and of all other persons employed, stating the salary in each case. *ib.* 106, 107.

See also *Boots. Clothing, Army*, 2. *Inspection*, II. *Viewers.*

Woolwich Departments. See *Arsenal. Laboratories.*

Works and Repairs. Official regulations as to the course to be pursued with regard to military works and repairs, *Godley* 10.

See also *Engineers' Department. Schedule of Prices.*

REPORT

FROM THE

SELECT COMMITTEE

ON

CONTRACTS FOR PUBLIC DEPARTMENTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
15 *July* 1856.

[*Price* 1*s.* 6*d.*]

362.

Under 1 *lb.* 8 *oz.*

REPORT

FROM THE

COMMITTEE

UPON

EXPIRING LAWS:

FOR THE

IVTH Session—XVITH Parliament of the United Kingdom of GREAT BRITAIN and IRELAND.

(19 VICTORIA, 1856.)

Ordered, by The House of Commons, *to be Printed,*
4 *April* 1856.

Martis, 1° *die Aprilis*, 1856.

Ordered, THAT a Committee be appointed to inquire what Temporary Laws of a Public and General Nature are now in force, and what Laws of the like nature have expired since the last Report upon the subject; and also, what Laws of the like nature are about to expire at particular periods, or in consequence of any contingent public event; and to report the same, and their Observations thereupon, to The House;—and that the Committee do consist of—

Mr. Wilson,
Mr. Fitzroy,
Mr. Attorney-General,
Mr. Solicitor-General,
Mr. Cowper,
Mr. Freshfield,
Mr. Hayter,
Mr. Peel,
Mr. William Williams,
Mr. Horsman,
Sir Benjamin Hall,
Viscount Duncan.

Ordered, THAT the Committee have power to send for Persons, Papers and Records.

Ordered, That THREE be the Quorum of the Committee.

REPORT.

THE SELECT COMMITTEE appointed to inquire what TEMPORARY LAWS of a Public and General Nature ARE NOW IN FORCE, and what Laws of the like nature HAVE EXPIRED since the last Report upon the subject; and also, what Laws of the like nature ARE ABOUT TO EXPIRE at particular Periods, or in consequence of any Contingent Public Event; and to report the same, with their Observations thereupon, to The HOUSE:—

HAVE considered the Matters to them referred, and agreed to the following Report.

4 *April* 1856.

LIST.

REGISTER OF TEMPORARY LAWS NOW IN FORCE - - - - p. 5

EXPIRED LAWS (from 1 January 1855 to 1 January 1856) - - - - - p. 16

INDEX OF TEMPORARY LAWS:—

CLASS I.—TEMPORARY LAWS the Duration of which is certain, unless so far as they depend on the Sitting of Parliament - - - - - p. 17

CLASS II.—TEMPORARY LAWS the Duration of which is uncertain - - - p. 19

INDEX TO LAWS which were inserted in the Register of Temporary Laws then in force in the last Report of the Committee on Expiring Laws (17 March 1854), but which are now omitted - - - - - - - - - - - - p. 20

INDEX of the Subject-Matter of the ACTS contained in this Report - - - p. 21

REGISTER OF TEMPORARY LAWS

NOW IN FORCE.

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*
1. BANK of ENGLAND INCORPORATION.	5,6 W.&M.	20, §20. 21.	7 Nov. 1693.	For granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; for securing certain Recompences and Advantages, in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of £.1,500,000. towards the carrying on the War against France.	
	8, 9 W. 3.	20, §26. 27.			
	N. B. This Corporation further continued by successive Acts down to				
	4,5 W. 4.	80.	14 Aug. 1834.	Bank continued as a Corporation - - -	Till Redemption by Parliament of £. 4,080,000 Reduced 3 per Cents.
				Note.—As to the Bank of England Privileges, *see* No. 10.	
2. BANK of IRELAND.	Acts of the Parliament of Ireland.				
	21,22Geo.3.	16.	1781.	For establishing a Bank, by the Name of The Governor and Company of the Bank of Ireland.	
	amended by				
	31 Geo.3.	22.			
	37 Geo.3.	50.			
	Acts of the United Parliament.				
	48 Geo. 3.	103.			
	1,2 Geo.4.	72.			
	3 Geo. 4.	26.			
	7 Will. 4. & 1 Vict.	59.			
	1, 2 Vict.	81.			
	2, 3 Vict.	91.			
	3, 4 Vict.	75.			
	8, 9 Vict.	37.	21 July 1845.	Bank of Ireland continued as a Corporation, and may be dissolved,	After 1 January 1855, on Twelve Months' Notice, and repayment of Debt due from the Public to the Bank.

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
3. CHURCHES.	58 Geo. 3.	45.	30 May 1818.	For building, and promoting the building, of Additional Churches in populous Parishes.		
	continued					
	17,18 Vict.	14.	12 May 1854.	Commission continued until - - - -	20 July, unless Commission sooner revoked by Her Majesty.	1856
4. ASSESSED TAXES (Great Britain).	59 Geo. 3.	51.	2 July 1819.	To relieve Persons compounding for their Assessed Taxes from an Annual Assessment.	5 April	1856
	amended					
	1 Geo. 4.	73.				
	continued & amended			*See* 16 & 17 Vict. c. 90, and 17 & 18 Vict. c. 1.		
	8, 9 Vict.	36.				
	13, 14 Vict.	96.	14 Aug. 1850.			
5. FOREIGN TRADE.	59 Geo. 3.	54.	2 July 1819.	To carry into effect a Convention of Commerce concluded between His Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal.	Duration of Treaty with any Foreign Power, containing Reciprocity Provision.	
	explained & extended					
	8, 9 Vict.	90.	4 Aug. 1845.			
6. HIGHLAND ROADS and BRIDGES (Scotland).	4 Geo. 4.	56.	8 July 1823.	For maintaining in repair the Military and Parliamentary Roads and Bridges in the Highlands of Scotland; and also certain Ferry Piers and Shipping Quays erected by the Commissioners for Highland Roads and Bridges.	24 July and END of then NEXT SESSION.	1864
	amended					
	5 Geo. 4.	38.				
	amended and continued by					
	3, 4 Will. 4.	33.	24 July 1833.			
	extended					
	11, 12 Vict.	40.	14 Aug. 1848.			
	14, 15 Vict.	66.	7 Aug. 1851.			
7. COAL TRADE (PORT OF LONDON.)	1, 2 Will. 4.	lxxvi.	Local.	For regulating the Vend and Delivery of Coals in the Cities of London and Westminster, and in certain Parts of the Counties of Middlesex, Surrey, Kent, Essex, Hertfordshire, Buckinghamshire and Berkshire.	5 July	1862
	continued					
	8, 9 Vict.	101.	4 Aug. 1845.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
8. WEST INDIES RELIEF.	2,3 W.4., extended to Dominica	125.	16 Aug. 1832.	For enabling His Majesty to direct the Issue of Exchequer Bills, to a limited Amount, for the Purposes and in the Manner therein mentioned, and for giving Relief to Trinidad, British Guiana and Saint Lucia.		
	5,6 W.4. amended by	51.				
	7, 8 Vict.	17.		Powers of Commissioners continued - -	Until Loan of £. 995,000 under the Act shall have been advanced, or the Commissioners of Her Majesty's Treasury shall sooner determine.	
	8, 9 Vict.	50.				
	11, 12 Vict.	38.	14 Aug. 1848.			
9. EAST INDIA COMPANY'S DIVIDEND.	3,4 Will. 4. amended by	85.	28 Aug. 1833.	For effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories.		
	16,17 Vict.	95.	20 Aug. 1853.	3 & 4 Will. 4, c. 85, § 12. Dividend out of Revenues of Territories retained, subject to Redemption by Parliament (on 12 Months' notice) upon and at any time after - -		
				§ 13. If the Company be deprived of the Government of India on or after 30th April 1854, they may (within one year) demand Redemption of the Dividend, and Dividend must be redeemed within three years after such demand.	30 April	1874
10. BANK OF ENGLAND PRIVILEGES.	3,4 W.4. amended by	98.	29 Aug. 1833.	For giving to the Corporation of the Governor and Company of the Bank of England certain Privileges for a limited Period, under certain Conditions.	Determinable on 12 Months' Notice, after 1 August 1855, and on Repayment of the Debt due from the Public to the Bank.	
	7, 8 Vict.	32.				
11. LINEN, HEMPEN, COTTON and other MANUFACTURES (Ireland.)	5, 6 Will. 4. amended	27.	21 Aug. 1835.	To continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland.	24 July	1859
	3, 4 Vict. continued and amended.	91.	10 Aug. 1840.	For the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers and other Persons employed in the Linen, Hempen Union, Cotton, Silk and Woollen Manufactures in Ireland, and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament.		
	5, 6 Vict.	68.				
	7, 8 Vict.	47.				
	17, 18 Vict.	46.	24 July 1854.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
12. CIVIL LIST.	1, 2 Vict.	2.	23 Dec. 1837.	For the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of Great Britain and Ireland - - - - - - -	6 Months after the Death of Her Majesty.	
13. PRISONS (Scotland).	2, 3 Vict. continued and amended	42.	17 Aug. 1839.	To improve Prisons and Prison Discipline in Scotland.	1 January and END of then NEXT SESSION.	1861
	*7, 8 Vict. and amended	34.	19 July 1844.	* Note.—The Title of this Act differs from the enacting Clause § 32, as to its duration.		
	14, 15 Vict.	27.	24 July 1851.			
14. OATHS, UNLAWFUL. (Ireland).	2, 3 Vict. continued and amended	74.	24 Aug. 1839.	To extend and render more effectual an Act [4 Geo. 4, c. 87] to amend an Act [50 Geo. 3, c. 102] for preventing the administering and taking unlawful Oaths in Ireland.	1 August and END of then NEXT SESSION.	1856
	8, 9 Vict.	55.	31 July 1845.			
	11, 12 Vict. continued	89.	31 Aug. 1848.			
	14, 15 Vict.	48.	1 Aug. 1851.			
15. POOR'S RATES STOCK IN TRADE EXEMPTION.	3, 4 Vict. continued	89.	10 Aug. 1840.	To exempt Inhabitants of Parishes, Townships, and Villages from liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor, until - - -	1 October	1856
	18, 19 Vict.	51.	16 July 1855.			
16. LOAN SOCIETIES.	3, 4 Vict. continued	110.	11 Aug. 1840.	To amend the Laws relating to Loan Societies.	1 October and END of then NEXT SESSION.	1856
	16, 17 Vict.	109.	20 Aug. 1853.			
17. SURVEY of GREAT BRITAIN.	4, 5 Vict.	30.	21 June 1841.	To authorize and facilitate the Completion of a Survey of Great Britain, Berwick-upon-Tweed and the Isle of Man.	31 December	1856
	14, 15 Vict.	22.	24 July 1851.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
18. HIGHWAY RATES. (E.)	4, 5 Vict. continued 17, 18 Vict.	59. 52.	22 June 1841. 31 July 1854.	To authorize the Application of a Portion of the Highway Rates to Turnpike Roads, in certain Cases.	1 October and END of then NEXT SESSION.	1860
19. LUNATIC ASYLUMS (Ireland).	5, 6 Vict. continued 18, 19 Vict.	123. 76.	12 Aug. 1842. 30 July 1855.	For amending the Law relating to Private Lunatic Asylums in Ireland.	1 August and END of then NEXT SESSION.	1860
20. APPREHENSION OF OFFENDERS (France).	6, 7 Vict. amended by 8, 9 Vict.	75. 120.	22 Aug. 1843. 8 Aug. 1845.	For giving Effect to a Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders.	Continuance of said Convention.	
21. APPREHENSION OF OFFENDERS (America).	6, 7 Vict. amended by 8, 9 Vict.	76. 120.	22 Aug. 1843. 8 Aug. 1845.	For giving Effect to a Treaty between Her Majesty and the United States of America for the Apprehension of certain Offenders.	Continuance of Tenth Article of said Treaty.	
22. COURTS MARTIAL (East Indies).	7, 8 Vict.	18.	6 June 1844.	To remove Doubts as to the Power of appointing, convening and confirming the Sentences of Courts Martial in the East Indies.	During the continuance of any Act for punishing Mutiny and Desertion, &c.	
23. DUCHY OF CORNWALL.	7, 8 Vict.	65.	6 Aug. 1844.	To enable the Council of His Royal Highness Albert Edward Prince of Wales to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of Cornwall, to purchase other Lands, and for other Purposes.	Certain Provisions continue during Minority of the Prince of Wales.	
24. NAVAL MEDICAL SUPPLEMENTAL FUND SOCIETY.	9, 10 Vict. continued 11, 12 Vict.	69. 58.	26 Aug. 1846. 14 Aug. 1848.	To authorize an Alteration of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.	14 August and END of then NEXT SESSION.	1858

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
25. POOR LAWS (Ireland).	10, 11 Vict.	90.	22 July 1847.	To provide for the Execution of the Laws for Relief of the Poor in Ireland.		
	amended 14, 15 Vict.	68.				
	continued 17, 18 Vict.	63.	31 July 1854.	As to appointment of Commissioners, &c.	23 July and END of then NEXT SESSION.	1859
26. ECCLESIASTICAL JURISDICTION.	10, 11 Vict.	98.	22 July 1847.	To amend the Law as to Ecclesiastical Jurisdiction in England.		
	continued 18, 19 Vict.	75.	30 July 1855.	As to certain Provisions - - - -	1 August and END of then NEXT SESSION.	1856
27. POOR LAW.	10, 11 Vict.	109.	23 July 1847.	For the Administration of the Laws for Relief of the Poor in England.		
	continued 17, 18 Vict.	41.	24 July 1854.	As to appointment of Commissioners, &c.	23 July and END of then NEXT SESSION.	1859
28. CRIME AND OUTRAGE (Ireland).	11, 12 Vict.	2.	20 Dec. 1847.	For the better Prevention of Crime and Outrage in certain Parts of Ireland.	1 July	1856
	continued 18, 19 Vict.	112.	14 Aug. 1855.			
29. SHEEP AND CATTLE (Diseased).	11, 12 Vict.	107.	4 Sept. 1848.	To prevent the spreading of contagious or infectious Disorders among Sheep, Cattle and other Animals.	1 September and END of then SESSION.	1856
	extended and continued 16, 17 Vict.	62.	4 Aug. 1853.			
30. POOR LAW UNION CHARGES.	11, 12 Vict.	110.	4 Sept. 1848.	To alter the Provisions relating to the Charges for the Relief of the Poor in Unions.		
	amended and continued 12, 13 Vict.	103.	1 Aug. 1849.			
	continued (except as to Provisions repealed) 18, 19 Vict.	47.	16 July 1855.	Temporary as to certain Provisions. - - - - - - - - - -	30 September and END of then NEXT SESSION.	1856

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
31. SAVINGS BANKS (Ireland).	11, 12 Vict.	133.	5 Sept. 1848.	To amend the Laws relating to Savings Banks in Ireland.	1 January and END of then NEXT ENSUING SESSION.	1858
	continued					
	17, 18 Vict.	50.	24 July 1854.			
32. APPREHENSION OF DESERTERS (Portugal).	12, 13 Vict.	25.	26 June 1849.	For giving Effect to the Stipulations of a Treaty between Her Majesty and the Queen of Portugal, for the Apprehension of certain Deserters.	Continuance of Treaty.	
33. INCUMBERED ESTATES (Ireland).	12, 13 Vict.	77.	28 July 1849.	Further to facilitate the Sale and Transfer of Incumbered Estates in Ireland.		
	amended and continued			As to applications for sales - - -	28 July	1856
	16, 17 Vict.	64.	15 Aug. 1853.	As to appointment of Commissioners, &c. -	15 Aug. and END of then NEXT SESSION.	1857
	18, 19 Vict.	73.	30 July 1855.			
34. ALTERATIONS IN PLEADINGS.	13, 14 Vict.	16.	31 May 1850.	To enable the Judges of the Courts of Common Law at Westminster to alter the Forms of Pleading.	25 May	1860
	continued					
	18, 19 Vict.	26.	25 May 1855.			
35. COPYHOLD INCLOSURE and TITHE COMMISSIONS.	14 15 Vict.	53.	1 Aug. 1851.	To consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the Completion of Proceedings under the Tithe Commutation Acts.	1 August and END of then NEXT SESSION.	1856
	continued			Temporary as to appointment of Commissioners, &c.		
	18, 19 Vict.	52.	16 July 1855.			
36. LANDS CLAUSES CONSOLIDATION (Ireland).	14, 15 Vict.	70.	7 Aug. 1851.	To alter and amend certain Provisions of the Lands Clauses Consolidation Act, 1845, so far as relates to Ireland.	7 August and END of then NEXT SESSION.	1856

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
37. COAL-WHIPPERS. (Port of London.)	14,15 Vict.	78.	7 Aug. 1851.	To continue and amend an Act for establishing an Office for the Benefit of the Coalwhippers of the Port of London.	1 January and END of then NEXT SESSION.	1856
38. EPISCOPAL and CAPITULAR ESTATES MANAGE-MENT.	14,15 Vict.	104.	8 Aug. 1851.	To facilitate the Management and Improvement of Episcopal and Capitular Estates in England.	12 August	1856
	continued and amended					
	17,18 Vict.	116.	11 Aug. 1854.			
39. INCOME TAX.	16,17 Vict.	34.	28 June 1853.	For granting to Her Majesty Duties on Profits arising from Property, Professions, Trades and Offices.	6 April, except as to Arrears, &c.	1860
	17,18 Vict.	24.	16 June 1854.	For granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades and Offices.	During the present War, and until the 6th April after the expiration of one year from the Ratification of a definitive Treaty of Peace; but if the period so limited expire before 6 April 1860, then from the expiration of such period, the Duties granted by the 16 & 17 Vict. c. 34, are to revive during the remainder of the Term therein limited.	
	18,19 Vict.	20.	25 May 1855.	For granting to Her Majesty an increased Rate of Duty on Profits arising from Property, Professions, Trades and Offices.		
40. INSURANCES ON LIVES. (Abatement of Income Tax.)	16,17 Vict.	91.	20 Aug 1853.	To extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurances on Lives.	5 July	1856
	continued					
	18,19 Vict.	35.	26 June 1855.			

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
41. MUTINY ACT (Army).	17, 18 Vict.	4.	23 Mar. 1854.	For punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.		
	18, 19 Vict.	11.	16 Mar. 1855.	Continuance: In Great Britain - - -	25 April	1856
				- - - - Ireland, Jersey, Guernsey, Alderney, Sark and Isle of Man	1 May	
				- - - - Gibraltar, the Mediterranean, Spain and Portugal - -	1 August	
				- - - - Elsewhere in Europe, and in the West Indies and America -	1 Sept.	
				- - - - Cape of Good Hope, Isle of France or Mauritius, St. Helena, and Western Coast of Africa - - - - -	1 January	1857
				- - - - Elsewhere - - - - -	1 February	1858
42. MANNING THE NAVY.	17, 18 Vict.	18.	2 June 1854.	For the Encouragement of Seamen, and the more effectual Manning of Her Majesty's Navy during the present War.	During the present War.	
43. TURNPIKE ACTS, (G. B.)	17, 18 Vict.	58.	31 Jnly 1854.	To continue certain Turnpike Acts in Great Britain.		
	18, 19 Vict.	98.	14 Aug. 1855.	As to one Act - - - - - - -	1 October and END of then NEXT SESSION.	1855
				As to certain Acts - - - - - -	1 October and END of then NEXT SESSION.	1856
				As to certain Acts - - - - - -	1 November	1856
44. OXFORD UNIVERSITY.	17, 18 Vict.	81.	7 Aug. 1854.	To make further Provision for the good Government and Extension of the University of Oxford, of the Colleges therein, and of the College of St. Mary, Winchester.	1 January but may be continued by Queen in Council until 1 January	1857 1858
				Temporary as to the Powers of the Commissioners.		
45. SPIRITS (Ireland.)	17, 18 Vict.	89.	10 Aug. 1854.	To amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of Illicit Distillation in Ireland.	10 August	1857
				Temporary as to certain Provisions for preventing Illicit Distillation. *See* §§ 13, 14.		

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
46. PUBLIC HEALTH.	17, 18 Vict.	95.	10 Aug. 1854.	To make better provision for the Administration of the Laws relating to the Public Health.		
	continued			Temporary as to appointment of General Board of Health.	14 August and END of then NEXT SESSION.	1856
	18, 19 Vict.	115.	14 Aug. 1855.	- - - - - - - - -		
47. BRIBERY, &c.	17, 18 Vict.	102.	10 Aug. 1854.	To consolidate and amend the Laws relating to Bribery, Treating and undue Influence at Elections of Members of Parliament.	10 August and END of then NEXT SESSION.	1855
48. INCUMBERED ESTATES (West Indies.)	17, 18 Vict.	117.	11 Aug. 1854.	To facilitate the Sale and Transfer of Incumbered Estates in the West Indies.		
				Temporary as to appointments of Commissioners, &c. - - - - - - -	Six Years from Date at which the Act takes effect,* and until the NEXT SESSION.	
				* *Note.*—The Act takes effect upon the issuing of an Order in Council.		
49. ENLISTMENT OF FOREIGNERS.	18, 19 Vict.	2.	23 Dec. 1854.	To permit Foreigners to be enlisted, and to serve as Officers and Soldiers in Her Majesty's Forces.	During the present War, and until one year after the Ratification of a definitive Treaty of Peace.	
50. ARMY SERVICE ACT AMENDMENT.	18, 19 Vict.	4.	27 Feb. 1855.	To amend the Act for limiting the Time of Service in the Army.	27 February	1858
51. MUTINY ACT (Marine Forces).	18, 19 Vict.	12.	16 Mar. 1855.	For the Regulation of Her Majesty's Royal Marine Forces while on Shore.		
				Continuance: In Great Britain - - -	25 April	
				- - - - Ireland, Jersey, Guernsey, Alderney, Sark and Isle of Man	1 May	
				- - - - Gibraltar, Spain and Portugal -	25 July	1856
				- - - - Elsewhere in Europe, and the West Indies, North America, and Cape of Good Hope -	25 Sept.	
				- - - - Elsewhere - - - -	25 Nov.	

REGISTER OF TEMPORARY LAWS NOW IN FORCE—*continued.*

Matter.	*Date.*	*Ch.*	*When passed.*	*Title of the Act.*	*Duration.*	
52. INDEMNITY OFFICES, &c.	18, 19 Vict.	49.	16 July 1855.	To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until - - - - - - -	25 March and END of then SESSION.	1856
53. TREASURERS OF COUNTIES (Ireland).	18, 19 Vict.	74.	30 July 1855.	To enable Grand Juries of Counties in Ireland to present for Payment of Expenses in certain Cases.	1 August and END of then NEXT SESSION.	1857
54. TURNPIKE ACTS (Ireland).	18, 19 Vict.	83.	14 Aug. 1855.	To continue certain Acts for regulating Turnpike Roads in Ireland.	31 July and END of then SESSION.	1856
55. MILITIA BALLOT SUSPENSION.	18, 19 Vict.	106.	14 Aug. 1855.	To suspend the making of Lists and the Ballots for the Militia of the United Kingdom.	1 October	1856
56. COAL MINES INSPECTION.	18, 19 Vict.	108.	14 Aug. 1855.	To amend the Law for the Inspection of Coal Mines in Great Britain -	14 August and END of then NEXT SESSION.	1860
57. MILITIA PAY (G. B. & I.)	18, 19 Vict.	123.	14 Aug. 1855.	To defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances to certain Officers of the Militia; and to authorize the Employment of the Non-commissioned Officers.	1 September	1856
58. UNION OF CONTIGUOUS BENEFICES.	18, 19 Vict.	127.	14 Aug. 1855.	To make better Provision for the Union of Contiguous Benefices, and to facilitate the Building and Endowing of New Churches in Spiritually Destitute Districts.	14 August	1860

EXPIRED LAWS:

VIZ.

FROM 1 JANUARY 1855 TO 1 JANUARY 1856.

Subject.	*Original Act.*	*Last continuing Act.*	*Term of Expiration.*
SEWERS, METROPOLITAN -	11, 12 Vict. c. 112	17, 18 Vict. c. 111	1 January 1856 (having been continued till that time by 18 & 19 Vict. c. 120, s. 145.)

INDEX OF TEMPORARY LAWS.

Class I.

TEMPORARY LAWS

THE DURATION OF WHICH IS CERTAIN, UNLESS SO FAR AS THEY DEPEND ON THE SITTING OF PARLIAMENT.

ARRANGED IN ORDER OF THEIR DURATION.

* The ACTS having this mark, are continued to the Date set against them, and to the End of the then next Session.

† The ACTS having this mark, are continued to the Date set against them, and to the End of the then Session.

‡ One Act expires at end of Session 1856.

No.	*Matter.*	*Date of last continuing Act.*	*Duration.*
47	Bribery, &c.	17, 18 Vict. c. 102	10 August - 1855*
37	Coalwhippers (Port of London)	14, 15 Vict. c. 78	1 January - 1856*
52	Indemnity	18, 19 Vict. c. 49	25 March - 1856†
4	Assessed Taxes	13, 14 Vict. c. 96	5 April - - 1856
41	Mutiny	18, 19 Vict. c. 11	25 April - - 1856
51	Mutiny (Marine Forces)	18, 19 Vict. c. 12	
28	Crime and Outrage (Ireland)	18, 19 Vict. c. 112	1 July - - 1856
40	Insurances on Lives (Abatement of Income Tax)	18, 19 Vict. c. 35	5 July - - 1856
3	Churches	17, 18 Vict. c. 14	20 July - - 1856
33	Incumbered Estates (Ireland)	18, 19 Vict. c. 73	28 July - - 1856 15 August - 1857*
54	Turnpike Acts (Ireland)	18, 19 Vict. c. 83	31 July - - 1856†
35	Copyhold Inclosure and Tithe Commissions	18, 19 Vict. c. 52	1 August - 1856*
26	Ecclesiastical Jurisdiction	18, 19 Vict. c. 75	1 August - 1856*
14	Oaths, Unlawful (Ireland)	14, 15 Vict. c. 48	1 August - 1856*
36	Lands Clauses Consolidation (Ireland)	14, 15 Vict. c. 70	7 August - 1856*
38	Episcopal and Capitular Estates Management	17, 18 Vict. c. 116	12 August - 1856
46	Public Health	18, 19 Vict. c. 115	14 August - 1856*
29	Sheep and Cattle (Diseased)	16, 17 Vict. c. 62	1 September 1856†
57	Militia Pay (G. B. & I.)	18, 19 Vict. c. 123	1 September 1856
32	Poor Law Union Charges	18, 19 Vict. c. 47	30 September 1856*
55	Militia Ballot Suspension	18, 19 Vict. c. 106	1 October - 1856
43	Turnpike Acts (G. B.)	18, 19 Vict. c. 98	1 October - 1856*‡ 1 November 1856
15	Poor's Rates (Stock in Trade Exemption)	18, 19 Vict. c. 51	1 October - 1856
16	Loan Societies	16, 17 Vict. c. 109	1 October - 1856*

CLASS I.—TEMPORARY LAWS THE DURATION OF WHICH IS CERTAIN, &c.—*continued.*

No.	*Matter.*	*Date of last continuing Act.*	*Duration.*
17	Survey of Great Britain	14, 15 Vict. c. 22	31 December 1856
44	Oxford University	17, 18 Vict. c. 81	1 January - 1857
53	Treasurers of Counties (Ireland)	18, 19 Vict. c. 74	1 August - 1857*
45	Spirits (Ireland)	17, 18 Vict. c. 89	10 August - 1857
31	Savings Banks (Ireland)	17, 18 Vict. c. 50	1 January - 1858*
50	Army Service Act Amendment	18, 19 Vict. c. 4	27 February - 1858
24	Naval Medical Supplemental Fund Society	11, 12 Vict. c. 58	14 August - 1858*
27	Poor Law	17, 18 Vict. c. 41	23 July - - 1859*
25	Poor Laws (Ireland)	17, 18 Vict. c. 63	
11	Linen, Hempen, &c. Manufactures (Ireland)	17, 18 Vict. c. 46	24 July - - 1859
39	Income Tax	16, 17 Vict. c. 34 17, 18 Vict. c. 24 18, 19 Vict. c. 20	6 April - - 1860
34	Alterations in Pleadings	18, 19 Vict. c. 26	25 May - - 1860
19	Lunatic Asylums (Ireland)	18, 19 Vict. c. 76	1 August - 1860*
58	Union of Contiguous Benefices	18, 19 Vict. c. 127	14 August - 1860
56	Coal Mines Inspection	18, 19 Vict. c. 108	14 August - 1860*
18	Highway Rates (England)	17, 18 Vict. c. 52	1 October - 1860*
13	Prisons (Scotland)	7, 8 Vict. c. 34	1 January - 1861*
7	Coal Trade (Port of London)	8, 9 Vict. c. 101	5 July - - 1862
6	Highland Roads and Bridges	3, 4 Will. 4, c. 33	24 July - - 1864*

N.B.—By 48 Geo. 3, c. 106, if a Bill is introduced for the continuance of any Act which would expire in the same Session, and such Act shall expire before the Bill for continuing the same receives the Royal Assent, the continuing Act takes effect from the expiration of the former Act, but not so as to affect any person with any penalty in the interval.

CLASS II.

TEMPORARY LAWS

THE DURATION OF WHICH IS UNCERTAIN.

ARRANGED IN ALPHABETICAL ORDER.

No.	*Name.*	*Date of last continuing Act.*	*Duration.*
20	Apprehension of Offenders (France.)	6, 7 Vict. c. 75 - -	- - Continuance of Convention between Her Majesty and the King of the French for the Apprehension of certain Offenders.
21	Apprehension of Offenders (America.)	6, 7 Vict. c. 76 - -	- - Continuance of the Tenth Article of a Treaty between Her Majesty and the United States of America, for the Apprehension of certain Offenders.
32	Apprehension of Deserters (Portugal).	12, 13 Vict. c. 25 -	Continuance of Treaty.
1	Bank of England Incorporation.	4, 5 Will. 4, c. 80 - -	- - Till Redemption by Parliament of £. 4,080,000, Reduced 3 per Cents.
10	Bank of England Privileges.	3, 4 Will. 4, c. 98 -	- - Determinable on 12 Months' Notice after 1st August 1855, and on Repayment of Debt due from the Public to Bank.
2	Bank of Ireland -	8, 9 Vict. c. 37 - -	- - May be dissolved after 1 January 1855 on 12 Months' Notice, and Repayment of Debt due from the Public to the Bank.
12	Civil List - - -	1, 2 Vict. c. 2 - -	Six Months after the Death of Her Majesty.
23	Cornwall Duchy -	7, 8 Vict. c. 65 - -	Minority of Prince of Wales.
22	Courts Martial (East Indies.)	7, 8 Vict. c. 18 - -	- - During the continuance of any Act for punishing Mutiny and Desertion, &c.
9	East India Company's Dividend.	3, 4 Will. 4, c. 85 -	- - Dividend subject to redemption by Parliament (on 12 Months' Notice) upon or at any time after 20th April 1874. As to right to demand redemption of Dividend, *see* No. 9 of Register.
49	Enlistment of Foreigners.	18, 19 Vict. c. 2 - -	- - During the present War, and until One Year after the ratification of a definitive Treaty of Peace.
5	Foreign Trade - -	59 Geo. 3, c. 54 - -	- - Duration of Treaty with any Foreign Power containing reciprocity provision.
48	Incumbered Estates (West Indies.)	17, 18 Vict. c. 117 -	- - Six years from date of Act taking effect, and until the next Session. *See* Note on No. 48 of Register.
42	Manning the Navy -	17, 18 Vict. c. 18 -	During the present War.
8	West Indies Relief -	11, 12 Vict. c. 38 -	- - Until the Loan of £. 995,000 under the Act shall have been advanced, or the Commissioners of Her Majesty's Treasury shall sooner determine.

INDEX

TO

LAWS which were inserted in the Register of Temporary Laws then in force in the last REPORT of the COMMITTEE on EXPIRING LAWS

(29 March 1855),

But which are now omitted.

Subject.	*No. in Register 1855.*	*Reason for Omission.*
Friendly Societies - -	39	- - - Friendly Societies Acts repealed by 18, 19 Vict. c. 63.
Industrial Societies - -		
Sewers, Metropolitan - -	33	- - - Expired.
Inspection of Coal Mines -	38	- - - Repealed by 18, 19 Vict. c. 108.

INDEX

OF THE SUBJECT-MATTER OF THE ACTS CONTAINED IN THIS REPORT.

The * signifies that the Act relates *exclusively* to Ireland.

	N° in Register.
A.	
ALTERATIONS in Pleadings	34.
Apprehension of Deserters (Portugal)	32.
Apprehension of Offenders (France)	20.
——— (America)	21.
Army Service Act Amendment	50.
Assessed Taxes, Composition	4.
B.	
Bank of England	1, 10.
* —— of Ireland	2.
Bribery, &c.	47.
C.	
Churches	3.
Civil List	12.
Coal Mines Inspection	56.
Coal Trade (Port of London)	7.
Coalwhippers (Port of London)	37.
Copyhold Commission	35.
Cornwall, Duchy of	23.
Courts Martial (East Indies)	22.
* Crime and Outrage	28.
E.	
East India Company's Territories	9.
Ecclesiastical Jurisdiction	26.
Enlistment of Foreigners	49.
Episcopal and Capitular Estates Management.	38.
F.	
Foreign Trade	5.
H.	
Highland Roads and Bridges	6.
Highway Rates	18.
I.	
Inclosure Commission	35.
Income Tax	39.
Indemnity Offices, &c.	52.
* Incumbered Estates	33.
Incumbered Estates (West Indies)	48.
Insurances on Lives (Abatement of Income Tax).	40.
L.	
* Linen, Hempen and other Manufactures	11.
Loan Societies	16.
* Lunatic Asylums	19.
* Lands Clauses Consolidation	36.
M.	
Manning the Navy	42.
Militia Pay	57.
——— Ballot Suspension	55.
Mutiny Act (Army)	41.
——— (Marine Forces)	57.
N.	
Naval Medical Supplemental Fund Society.	24.
O.	
* Oaths, Unlawful	14.
Oxford University	44.
P.	
Poor's Rates, Stock in Trade Exemption	15.
Poor Law	27.
Poor Law Union Charges	30.
* Poor Laws	25.
Prisons (Scotland)	13.
Property Tax (*see* Income Tax).	—
Public Health	46.
S.	
* Savings Banks	31.
* Spirits	45.
Survey of Great Britain	17.
Sheep and Cattle Diseased	29.
T.	
Tithe Commission	35.
* Treasurers of Counties	53.
Turnpikes	43.
* Turnpikes	54.
U.	
Union of Contiguous Benefices	58.
W.	
West Indies Relief	8.

REPORT

FROM THE

COMMITTEE

UPON

EXPIRING LAWS.

Ordered, by The House of Commons, *to be Printed,*
4 *April* 1856.

115.

Under 3 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

FORMATION, &c. OF PARISHES BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
14 *March* 1856.

106.

Mercurii, 13° *die Februarii*, 1856.

Ordered, That the Formation, &c. of Parishes Bill be committed to a Select Committee.

Lunæ, 18° *die Februarii*, 1856.

Committee nominated of,—

The Marquis of Blandford.	Mr. Headlam.
Viscount Ebrington.	Mr. Sidney Herbert.
Mr. Byng.	Sir Stafford Northcote.
Mr. Edward Egerton.	Mr. Dunlop.
Mr. Gladstone.	Lord John Manners.
Mr. Massey.	Mr. Pellatt.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Martis, 19° *die Februarii*, 1856.

Ordered, That Mr. Adderley and Mr. Liddell be added to the Committee.

Veneris, 14° *die Martii*, 1856.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them to the House.

REPORT - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv
MINUTES OF EVIDENCE - - - - - - - - - - p. 1

REPORT.

THE MARQUIS of BLANDFORD reported from the Select Committee on the FORMATION, &c. OF PARISHES BILL, who were empowered to send for Persons, Papers, and Records, and to Report the MINUTES of EVIDENCE taken before them to The House:

THAT they had considered the said Bill, and taken Evidence thereon, which they had directed him to report to The House, and had gone through the Bill, and made Amendments thereunto.

14 *March* 1856.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 21° *die Februarii*, 1856.

MEMBERS PRESENT:

Marquis of Blandford.	Mr. Dunlop.
Lord J. Manners.	Mr. Pellatt.
Mr. Adderley.	Mr. E. Egerton.
Mr. Gladstone.	Sir Stafford Northcote.

Marquis of BLANDFORD, called to the Chair.

The Committee deliberated as to their course of proceeding.

Ordered, That Mr. *Chalk* and Mr. *Beachcroft* be summoned for Monday next.

[Adjourned till Monday next, at One o'clock.

Lunæ, 25° *die Februarii*, 1856.

MEMBERS PRESENT:

Marquis of BLANDFORD, in the Chair.

Mr. Adderley.	Mr. Pellatt.
Mr. Headlam.	Mr. Gladstone.
Mr. Liddell.	Lord J. Manners.
Mr. Byng.	Sir Stafford Northcote.
Mr. Dunlop.	Lord Ebrington.

Mr. *Chalk* and Mr. *Beachcroft*, examined.

[Adjourned till Thursday, at Twelve o'clock.

Jovis, 28° *die Februarii*, 1856.

MEMBERS PRESENT:

Marquis of BLANDFORD, in the Chair.

Mr. Liddell.	Mr. Headlam.
Sir Stafford Northcote.	Mr. Pellatt.
Mr. Dunlop.	Mr. Gladstone.
Lord Ebrington.	

Mr. *Beachcroft* further examined.

Room cleared.

Committee deliberated.

[Adjourned till Monday, at Twelve o'clock.

Lunæ, 3° *die Martii*, 1856.

MEMBERS PRESENT:

Marquis of BLANDFORD, in the Chair.

Lord Ebrington.	Mr. Byng.
Mr. Adderley.	Mr. Headlam.
Sir S. Northcote.	Mr. Gladstone.
Mr. Dunlop.	Lord J. Manners.
Mr. Liddell.	Mr. Pellatt.

Committee deliberated.

[Adjourned till Thursday, at Twelve o'clock.

Jovis, 6° *die Martii*, 1856.

MEMBERS PRESENT:

Marquis of BLANDFORD, in the Chair.

Lord John Manners.	Mr. Massey.
Mr. Dunlop.	Sir Stafford Northcote.
Mr. Liddell.	Lord Ebrington.
Mr. E. Egerton.	Mr. Pellatt.
Mr. Byng.	Mr. Gladstone.

Committee deliberated.

[Adjourned till Monday, at One o'clock.

Lunæ, 10° *die Martii*, 1856.

MEMBERS PRESENT:

Marquis of BLANDFORD, in the Chair.

Mr. Adderley.	Mr. Pellatt.
Mr. Liddell.	Mr. E. Egerton.
Lord J. Manners.	Lord Ebrington.
Sir S. Northcote.	Mr. Gladstone.
Mr. Dunlop.	

Committee deliberated.

[Adjourned till Thursday, at One o'clock.

Jovis, 13° *die Martii*, 1856.

MEMBERS PRESENT:

Marquis of BLANDFORD, in the Chair.

Mr. Alderley.	Sir Stafford Northcote.
Mr. E. Egerton.	Mr. Dunlop.
Mr. Liddell.	Mr. Gladstone.
Lord J. Manners.	Lord Ebrington.
Mr. Pellatt.	

Preamble postponed.

The Committee went through several clauses of the Bill, and made several amendments thereunto.

Clause 6 (Pew Rents may be taken according to scale, &c.) read :—Amendment proposed, after the word " Commissioners," to insert the following words: " If it shall be made to appear to them that sufficient funds cannot be provided from other sources," (Lord *Blandford*).—Question, " That these words be there inserted," put.—Committee divided:

Ayes, 8.	Noes, 1.
Lord Ebrington.	Mr. Pellatt.
Mr. E. Egerton.	
Mr. Gladstone.	
Sir Stafford Northcote.	
Mr. Dunlop.	
Lord J. Manners.	
Mr. Adderley.	
Mr. Liddell.	

Clause 6 amended accordingly.

Further amendment proposed. After the words " services thereof," to omit the words " and the endowment," (Mr. *Pellatt*).—Question, " That the words proposed to be left out stand part," put.—Committee divided:

Ayes, 7.	Noes, 2.
Lord Ebrington.	Lord John Manners.
Mr. E. Egerton.	Mr. Pellatt.
Mr. Gladstone.	
Sir Stafford Northcote.	
Mr. Dunlop.	
Mr. Adderley.	
Mr. Liddell.	

Clause 6 further amended.

Question, " That this clause as amended stand part of the Bill," put.—Committee divided:

Ayes, 7.	Noes, 2.
Lord Ebrington.	Lord John Manners.
Mr. E. Egerton.	Mr. Pellatt.
Mr. Gladstone.	
Sir Stafford Northcote.	
Mr. Dunlop.	
Mr. Adderley.	
Mr. Liddell.	

Motion made and Question proposed, after Clause 6 to insert the following clause: " It shall be lawful for the Commissioners, anything hereinbefore contained notwithstanding, to charge the whole, or any proportion, of the sittings in such church or chapel as last mentioned with a rate or payment not exceeding one shilling per annum for each sitting, upon sufficient evidence being supplied to them that the imposition of such charge will render the said church or chapel more useful to the population of the district, and the rate so charged shall be collected and applied in the same manner as the rents hereinbefore authorised to be taken," (Mr. *Gladstone*).—Question, " That this clause be here inserted," put.—Committee divided:

Ayes, 3.	Noes, 4.
Lord Ebrington.	Mr. E. Egerton.
Mr. Gladstone.	Sir Stafford Northcote.
Mr. Adderley.	Lord John Manners.
	Mr. Liddell.

The Committee proceeded with the clauses of the Bill.

[Adjourned till To-morrow, at Two o'clock.

Veneris, 14° die Martii, 1856.

MEMBERS PRESENT:

Marquis of BLANDFORD, in the Chair.

Lord Ebrington.	Mr. E. Egerton.
Mr. Adderley.	Mr. Massey.
Mr. Dunlop	Sir Stafford Northcote.
Mr. Liddell	Mr. Pellatt.
Mr. Gladstone.	

The

The Committee went through several clauses of the Bill, and made several amendments thereunto.

Clause 22 (Appointment of Trustees, &c.) read.—Amendment proposed, after the words "Fifty pounds," to insert the following words, "and every such nominee shall, upon his appointment," Lord *Blandford*:—Question, "That these words be there inserted," put.—Committee divided:

Ayes, 4.	Noes, 2.
Mr. E. Egerton.	Lord Ebrington.
Sir Stafford Northcote.	Mr. Pellatt.
Mr. Adderley.	
Mr. Liddell.	

Words inserted accordingly.

The Committee went through the remaining clauses of the Bill, and made several amendments thereunto.

Several manuscript clauses added to the Bill.

Preamble read, amended and agreed to.

Ordered to Report.

Ordered to Report Minutes of Evidence.

LIST OF WITNESSES.

Lunæ, 25° *die Februarii*, 1856.

James Chalk, Esq. - - - - - - - - - p. 1

Thomas Beachcroft, Esq. - - - - - - - - p. 12

Jovis, 28° *die Februarii*, 1856.

Thomas Beachcroft, Esq. - - - - - - - - p. 16

MINUTES OF EVIDENCE.

Lunæ, 25° *die Februarii*, 1856.

MEMBERS PRESENT.

Marquis of Blandford.	Mr. Adderley.
Mr. Liddell.	Mr. Byng.
Mr. Headlam.	Sir Stafford Northcote.
Mr. Pellatt.	Mr. Dunlop.
Mr. Gladstone.	Lord John Manners.
Viscount Ebrington.	

THE MARQUIS OF BLANDFORD, IN THE CHAIR.

James Chalk, Esq., called in; and Examined.

1. *Chairman.*] YOU are the Secretary to the Ecclesiastical Commission?—I am.

2. At present you have an Act by which you are enabled to form parishes?—Yes; the 6th and 7th Victoria, chapter 37.

3. It has been enlarged by a subsequent Act, has it not?—Yes; the 7th and 8th Victoria, chapter 94. There is a further slight amendment in the Act 13th and 14th Victoria, chapter 94, section 27.

4. In what way do you proceed to divide a parish on application being made to you for that purpose?—On the application of parties for a district, we send them a certain form to fill up, to give the particulars of the district and the amount and mode of the endowment, and stating whether they propose to provide a church, and if so, in what way, or a parsonage house, or anything towards aiding the formation of the district.

5. There are certain limitations in the Act of the 6th and 7th of Victoria, which restrict you to certain cases, are there not?—The Commissioners can only form a district in places where there is not at the time of its formation any consecrated church or chapel in use for Divine service.

6. The limitation is, that there shall be no consecrated building in the district at the time of its formation?—Precisely; the words are "such district not then containing within its limits any consecrated church or chapel in use for the purpose of Divine worship."

7. Are you able to form a parish out of more than one parish?—There is no limitation in that respect; the districts we have formed, have been frequently parts of several parishes.

8. If that restriction were removed which prevents you from forming a district, except there be no consecrated building there at the time of its formation, do you consider that you would have sufficient power, generally speaking, under the 6th and 7th Victoria, to form districts in most cases that might arise?—Yes, subject to the amount of endowment being that required by that Act.

9. There is a further restriction with regard to the endowment?—There is.

10. Will you state what that restriction is?—The Commissioners must see that there is provided 100 *l.* a year at the least, on the formation of the district, and if the endowment be less than 150 *l.*, then it must be increased to 150 *l.* on the district becoming a new parish.

11. Is the source from whence that endowment is to be supplied specified in the Act?—No, it is not.

J. Chalk, Esq.

25 February 1856.

12. So that it may come from any source; it may be provided either by the Commissioners themselves, or by parties interested in building the church or churches?—It may.

13. Is it the practice of the Commissioners to accept endowments from parties who are interested in building churches?—At present the Commissioners having no funds of their own available, are able to form districts only where endowments are provided *aliundè*; they obtain endowments in numerous instances from other parties.

14. Was it not contemplated originally by the Act that the endowment should be provided by a fund that was borrowed from Queen Anne's Bounty?—A transfer of stock from Queen Anne's Bounty was made to enable the Commissioners to form some districts to begin with, particularly in populous places where they were most required, and it enabled them upon a calculation that was made to form about 200, and to endow them.

15. You have formed about 250 districts altogether, have you not?—There have up to the present time been 248 formed.

16. In consideration of the parties providing the endowment, are not the Commissioners enabled to put the patronage into the hands of parties so endowing churches?—Yes, by the Act the patronage is vested in the first instance in the Crown and the bishop alternately, the first turn to be exercised by the Crown; but, by a clause in the Act, the Commissioners have the power at any time to assign the whole or any number of turns of patronage to parties contributing towards the endowment or building of the church or parsonage.

17. What clause is that?—That is clause 20.

18. The Commissioners may give the patronage in perpetuity as well as for any number of turns?—Either in perpetuity or for any number of turns, according to the amount of the benefaction offered.

19. Have the Commissioners any power of modifying that endowment, either as to the amount of it, or as to the nature of it; can it arise from any other source than money in the funds?—Yes; the endowment may be provided in any mode that is satisfactory to the Commissioners: they take either money in the funds, or freehold property or rentcharges, or tithe rentcharges.

20. Besides the two restrictions you have mentioned upon the acts of the Ecclesiastical Commissioners, in the first instance, that there must be no church in the district; in the second place, that an endowment must be provided of a certain amount, is there not also another restriction to this effect, that no pew rents can be fixed upon the churches?—No, there is no provision of that sort. We have no power to assign pew rents, but I have understood that pew rents are taken in churches in which districts have been formed by our Board, though we have no power in this respect. By this Act the Church Building Commissioners are authorised to make grants for the purposes of this Act; and I believe when they make a grant they also exercise the power of fixing the pew rents.

21. Then if those restrictions were removed, so that in the first place you could form a district, whether there be a church or not in the district when it is formed; and if also the restriction with regard to the specified amount or nature of the endowment were removed, you would then be enabled under your Act to assign a district in most cases that would generally arise?—I apprehend that we should.

22. The first clause of this Bill provides that the Commissioners may constitute a new parish, whether it contains a church within its limit or not; you have considered that clause?—I have.

23. Is it your opinion that that clause would enable the Ecclesiastical Commissioners, as far as it goes, to assign a district in any case that could arise?—I conceive it would.

24. Under the 6th & 7th Victoria there is no power to assign pew rents in churches?—No, there is not.

25. Do you think that that power might with advantage be modified, and that the restriction, with regard to the actual amount of endowment being provided, might also be modified with advantage?—I think it might be advantageous to give the Ecclesiastical Commissioners power to fix pew rents. With regard to the modification of the endowment, that I would submit should be guarded in some way. At present the Act requires that there should be 150 *l.* a year upon

upon the consecration of the church; and one can scarcely conceive that a less sum than that should, except under very special circumstances, be taken.

26. If a power were given to the Ecclesiastical Commissioners upon constituting a district or building a church to affix pew rents to the seats in that church, do you think that, in consideration of an endowment being provided from that source, it would be unnecessary to require that a permanent endowment from another source should be provided?—If it were a case where the pew rents were certain, as in some cases in London districts, then, I think, there would be no difficulty; but from the experience I have had, the amount of the pew rents upon the scales which have been fixed have fallen so very far short of what was the expectation when the churches were built, that I think the subject requires to be carefully dealt with.

27. Contemplating that this Bill would put general powers in the hands of the Ecclesiastical Commissioners to form districts in any case that might arise, do you think it would be expedient to require that in the formation of any district it should be a necessary condition that a sum for a permanent endowment should be provided?—I can conceive cases where that would not be necessary; but they are not frequent. In my own neighbourhood, where I live, a church was lately built, of which I was one of the committee. There the pew rents with a popular preacher would, I have no doubt, amount to 1,200*l.* a year, and there one can scarcely think it would be necessary to provide a permanent endowment of 150*l.*

28. Lord *J. Manners.*] Supposing the popular preacher dies, what will be the amount of the permanent income derived from pew rents?—It would be subject to fluctuation; but looking at the situation of the church, I think the pew rents will always yield some income.

29. Mr. *Gladstone.*] Taking such a case as that which you have mentioned, what course would you recommend with regard to such a church as that?—I think in such a case as that, it might be very fair to assign a district without requiring an endowment.

30. What other conditions would you require; what arrangement would you make as to the patronage?—By the Act which the Ecclesiastical Commissioners execute, the patronage is, as I have stated, vested in the Crown and the bishop alternately; I consider this Bill to be an extension and an amendment of that Act; and I think that the patronage had better go in that direction still, leaving it open to the Commissioners to exercise the power which they have at any time of assigning the patronage to persons willing to build or endow a church.

31. Then you would not include in the law any power to the Ecclesiastical Commissioners to give the patronage to persons who build a church, the only endowment of which is its own pew rents?—That would be a question of degree rather than of principle. The patronage might be given either wholly or in part for such a church. It depends very much upon the nature of the church to be provided. If it were a large church, which cost 8,000*l.* or 10,000*l.*, it would perhaps be considered as much as could be expected.

32. When you refer to cases in which it is possible that pew rents might be got even to the amount of 1,200*l.* a year, would you say that that would in your opinion afford a sufficient basis of maintenance for the clergymen of the church; would you bring such a case under Sir Robert Peel's Act?—Yes, I would.

33. If you brought it under Sir Robert Peel's Act, dismissing all considerations as to what might be done under other Acts, are we to understand that you would require in the first instance that the whole of the proceeds of the pew rents, whatever they might be, should be applied to the purposes of the church, or would you allow the parties building the church to take their chance of deriving from it whatever private income they might for themselves?—No; it certainly should not be made a source of income to other parties.

34. Therefore you would make it a fundamental condition that the whole proceeds of the pew rents should go to the purposes of the church?—Yes. This Bill I think contains a clause authorising the Commissioners to capitalise any surplus amount of pew rents over a certain sum.

35. Have you in your mind any fixed terms or conditions which you think ought to be applied to the patronage of a church such as we have been speaking of?—No, I have not; but I think that in the case of a church of that character the patronage might very fairly be given to the party building the church entirely,

J. Chalk, Esq.

25 February 1856.

entirely, or to a body of trustees, being the nominees of certain contributors. That has been done by the Ecclesiastical Commissioners in some cases.

36. In the answers which you have given you suppose all along that the parties building the church make a gift of the building itself; you would not allow them to draw interest for their money?—Certainly not.

37. Would you impose any limitations, by law, as to the amount of pew rents which might be taken, or any stringent conditions as to the amount of space which should be left free?—I would leave that, generally speaking, to the Commissioners; I think it depends so much upon the circumstances of the district and the requirements of the parish altogether.

38. Am I right in supposing that if a church were built upon those principles, and the district attached to it became its parish, the old character of the parochial church, as the church in which the parishioner has a right to be seated, might entirely disappear as regards the new parish church?—Yes, I think so; because in those cases the mother church will not in fact afford accommodation for the parishioners.

39. Mr. *Liddell.*] Have the Ecclesiastical Commissioners laid down any rules in regard to the amount of pew rents, and the amount of space left free, or are they guided merely by the circumstances of the particular church?—They have no power to deal with pew rents at present.

40. You propose that that power should be given to them?—Yes.

41. Lord *J. Manners.*] Has not every parishioner a right to be seated without payment of pew rent in his parish church, so far as the room of the parish church extends?—That is a question of ecclesiastical law which I am not prepared to answer.

42. Mr. *Pellatt.*] Can you state what has been the practice hitherto with regard to letting the pews, who has the power of letting them, at what rates they are let, and whether larger amounts than the rate fixed for the pew rents are often given by generous persons who choose to do so?—The Ecclesiastical Commissioners having no power to fix pew rents, have never interfered with the question at all.

43. Can you state what has been the practice?—No; I know nothing of what the practice is; it has never come before the Commissioners.

44. Sir *S. Northcote.*] You are not able to answer the question who does fix the pew rents?—No, I am not; I think in all probability the churchwardens.

45. *Chairman.*] Have you many applications to form districts under Sir Robert Peel's Act, with which, owing to the limitations of the Act, at present you are not able to comply?—Yes, a great many; I suppose we have 200 at this moment postponed for want of funds.

46. With which, in consequence of the limitations of the Act, you are not able to comply?—Yes, on account of the means being wanting of providing the required endowment; not on account of the other limitation as to there being no consecrated church in the district.

47. I suppose that parties generally know that the Act does not apply to cases where there are existing churches and chapels, and so they do not apply in those cases?—I think it probable that they do.

48. I will call your attention to clause 31 of the Bill, which provides that the patronage may be vested in certain cases in the incumbent of the original parish; at present, the only restriction of Sir Robert Peel's Act is, that the patronage must be vested either in the parties who assist in building or endowing the church, or in the Crown and the bishop alternately?—Yes.

49. In your opinion, would such an extension of the powers of the Act be advisable, under the view that a great many additional cases may come before the Commissioners in which they may be able to form districts?—I understand the question to be, whether I think it would be expedient to vest the patronage in the incumbent of the mother church; I think not.

50. Why do you think it not desirable to vest the patronage in the incumbent of the mother church?—My opinion is derived from experience and observation; I do not think it is a good plan that one parochial clergyman should be the patron of another; inconvenience arises from it; that is only my private opinion.

51. You think, in fact, that where there is no specific quarter in which the patronage could be vested, the Crown and the bishop would be the best quarter

to

to which to assign it temporarily, till parties afterwards came forward to endow the church and obtain the patronage in consequence of that endowment?—Quite so: where an application is made for the assignment of patronage which has already become vested in the Crown and the bishop, I have never seen any difficulty in transferring the patronage to persons willing to endow; but I think if it were vested in the incumbent of the mother church, you would always find that it would be a grievance if it were proposed to be transferred during his incumbency.

52. And if it were not done during his incumbency, there would not be the same inducement to parties to endow?—Exactly so.

53. In the 25th section of this Bill it is proposed with regard to existing cases where the patronage is vested in the incumbent of the mother church, not of any private right, but because he is the incumbent, that in those cases it should be transferred to any person adequately endowing the church; do you think that difficulties would exist in the way of that?—There would be difficulties in the way of carrying out that provision.

54. Mr. *Gladstone.*] Can you inform us whether there are any general rules which the Commissioners have adopted in the administration of the 20th section of Sir Robert Peel's Act, which gives the power to assign the right of patronage, either in perpetuity or for a time, to any persons contributing to the permanent endowment, or of the clergyman, or towards providing the church or chapel "in such proportion and in such manner as shall be approved by the like authority;" have the Commissioners laid down any general rules upon that subject?—The Commissioners have not laid down any general rule, they have considered each proposition as it was made to them, and if they thought the offer made was sufficient for the amount of patronage asked for, they granted it; if they thought that too much was asked for, that the amount of benefaction was inadequate to the amount of patronage asked for, they suggested either a larger endowment or a smaller amount of patronage.

55. Can you give us instances of the course taken by the Commissioners in that respect, and of the sort of relation which they have established between the amount of the endowment and the amount of the patronage obtained in return?—I am not prepared to state that off-hand.

56. Could you supply us with instances which would be illustrative of that question?—Yes; I can give the exact amount which has been given, and the amount of patronage that has been given for it.

57. Mr. *Liddell.*] How do you lessen or increase the amount of patronage given?—By the number of turns of presentation given.

58. Mr. *Pellatt.*] You stated, that from want of funds, the Commissioners are unable to set about building and endowing other churches; have those funds been at all crippled through any dealing with Queen Anne's Bounty by any other set of Commissioners?—That is a question which does not arise upon this Bill; but I will explain the transaction to which I presume you allude. The Ecclesiastical Commissioners have been obliged to abstain from making additional grants, in consequence of the arrangement which was made with Queen Anne's Bounty under Sir Robert Peel's Act. The arrangement was made in 1843. The funds of the Commissioners had been granted to the full extent. The whole amount of their income had been granted in augmentation of small livings, and the only means that they had of dealing with small livings in future arose from the increase of income which year by year might be expected to fall in. It was thought very expedient that something should be done for the Church that would have more immediate effect than that gradual operation; and therefore Queen Anne's Bounty was authorised to transfer to the Ecclesiastical Commissioners 600,000*l.* stock; that stock being an accumulation which they held as trustees for benefices. It was not stock which they could use in any way, but it was merely trust stock; and the terms upon which they transferred it were, that there should be charged upon the estates of the Commissioners the precise sum of 18,000*l.* a year, which they received in the shape of dividends from the Bank of England; so that, in fact, it was nothing more than a different investment of a fund which they held in trust; and if ever the Ecclesiastical Commissioners should be called upon to pay it off (which would be perfectly unnecessary), they would merely replace the stock. The arrangement then was, that the Ecclesiastical Commissioners should immediately

J. Chalk, Esq.

25 February 1856.

constitute 200 of those districts, and endow them with 150*l.* a year each in perpetuity. As the Commissioners had no surplus income, the only way that they could provide the 30,000*l.* a year thus charged on them, was by the sale from year to year of such an amount of stock as was necessary to realise 30,000*l.*, and also the 18,000*l.* interest to Queen Anne's Bounty; so that it will be seen that at a time when the Commissioners' income was exhausted, they were charged under this Act with a perpetual annuity of 30,000*l.* and 18,000*l.*, making 48,000*l.* a year. From that time to this the funds of the Commissioners have been increasing, and they will be now very soon in a state to make fresh grants; but for several years the grants have been entirely suspended on that account.

59. Mr. *Gladstone.*] Towards the annuity of 48,000 *l.* which they had to pay, all that they received was the proceeds, whatever it might be, of the 600,000 *l.* stock sold from time to time?—Yes, they met that 48,000 *l.* a year by the sale of the stock; the calculation being that by the time the stock should be exhausted the funds of the Commissioners would have increased.

60. How soon do you compute that the funds of the Commissioners will have risen above the level of their engagements?—The annual Report of the Commissioners will be before Parliament on the 1st of March; and I may perhaps state that it will show that we are now very nearly level, and in the course of next year we hope to have a small surplus.

61. Has the increase been slower than was expected?—The increase has not been exactly gradual. The recent extension of dealing with church property has materially facilitated the proceedings; the fund of the Commissioners is now perfectly safe.

62. Lord *J. Manners.*] Is not that including what is called the Episcopal Fund?—Yes, they are merged now, and form one fund, but there is no surplus from the episcopal sources.

63. Mr. *Liddell.*] Is the result which you have stated partly accounted for by the large number of enfranchisements which have taken place since the passing of the last Act?—Partly from arrangements of that sort.

64. Mr. *Pellatt.*] If I understand you rightly, this new arrangement of the Commissioners has the effect, so far as Queen Anne's Bounty goes, of taking it out of the original bequest, and applying it in the manner you have stated to the endowment of poor districts?—It does not in the least affect Queen Anne's Bounty; it was a trust fund, from which they derived 18,000 *l.* a year from dividends, and they get it now from our estates; we pay them 18,000 *l.* a year regularly; the Bounty Board is wholly unaffected by our proceedings.

65. *Chairman.*] Do I rightly understand you to say, that not only will the Ecclesiastical Commissioners be enabled to meet this permanent charge of 48,000 *l.* a year by funds now coming into their disposal, but that they will also be enabled to make additional grants for endowments?—Yes, I trust so after this year; of course the surplus will be but small at first; the income now very nearly equals the expenditure.

66. Do you think that, supposing certain powers are put into the hands of the Commissioners for the formation of any description of districts, that in future they should have the liberty to require no permanent endowment at all to be provided, or do you think that they should in every case be required to have some amount of permanent endowment provided, either from themselves, or from some other quarter?—I think it would be well to leave Sir Robert Peel's Act as it stands, requiring an endowment of 150 *l.* a year, but with a power to the Commissioners to modify in special cases, for which they should specially state their reasons in the scheme for founding the district.

67. Mr. *Gladstone.*] Would you think it desirable to indicate the principle by which they should be governed in admitting such modification?—I think the Commissioners would be sufficient judges of that; I think it may fairly be left to them to judge whether there is, in fact, a probability that there will be an income at least equal to that amount; I am led to that conclusion by my experience of the unsatisfactory position of churches which have been built within the last 30 years, and endowed with only 30 *l.* a year.

68. *Chairman.*] You think that in certain cases it would be almost better not to constitute a district for a church for which there did not appear to be a permanent source of reasonable endowment?—I think so.

69. Viscount *Ebrington.*] Have you thought of the practicability and expediency of providing an endowment for a certain number of years more liberally than

than the 30 *l.* a year which is required by the Act, and trusting after that time to the influence of the successive clergymen there and the effect of the performance of the church service to provide in the next generation, or in the next two generations, some sources of continued income to meet the exigencies of the case?—I think it would be dangerous; I think that 150 *l.* a year is such a very small sum that less than that would scarcely be expedient.

70. Lord *J. Manners.*] Can you state whether the Commissioners have laid down any rules as to the appropriation, for the benefit of the district, of impropriate tithes which may have fallen into their hands, with the concurrence of the locality from which those tithes arise?—In every case where tithes become vested in the Commissioners, irrespective of sale or purchase, the wants of the district are attended to.

71. Can you state what rule is laid down as to the amount?—There is no rule. In the greater number of cases the amount of the grant has been limited by the amount that the Commissioners received. Of course, under no circumstances can they be expected to give more than they receive. Most of those tithes come to the Commissioners in lease, sometimes for 21 years, sometimes for three lives, and the Commissioners receive only a small reserved rent of 5 *l.* or 10 *l.*, and then of course they can give nothing beyond that reserved rent. But when they come into the possession of the tithes themselves, they then appropriate as much as they think right and fair to the parish.

72. What is it that they think right and fair in such cases?—I will give an instance. On the death of the dean of St. Asaph, the Commissioners became possessed of the sinecure rectory of Henllan. The parish of Henllan is 18 miles long, and the perpetual curate had 100 *l.* a year. The Commissioners came into possession of tithes, as nearly as my memory serves, of 1,300 *l.* a year, or thereabouts; they then cut off a Peel district at each end of the parish, and endowed them as well as the mother church. In lieu of 100 *l.* a year, they gave to perpetual curate 350 *l.* a year of gross rentcharge; and to each of the districts 250 *l.* a year gross rentcharge. There is a small portion of the parish, contiguous to the town of Denbigh, in which some of the population of Denbigh is settled, and that portion was annexed to the parish of Denbigh, and the Commissioners gave 65 *l.* a year to the rector of Denbigh in consideration of his taking that amount of the population. Therefore there has been altogether 915 *l.* granted out of about 1,300 *l.* a year.

73. Viscount *Ebrington.*] Then in the case of the Commissioners deriving an income from impropriate tithes in any district, they deal more liberally with it in supplying the spiritual exigencies than they would do with other places having the same amount of population?—Yes.

74. Lord *J. Manners.*] That you lay down as a general rule?—Yes.

75. Mr. *Gladstone.*] Is there not an indication in the Act of Parliament of 1840, that it was the intention of Parliament that the Commissioners should act upon that principle in those cases?—The Act requires it.

76. In addition to the sources of endowment contemplated by Sir Robert Peel's Act, you think that under certain limitations, pew rents might constitute a source of endowment; have the Commissioners ever regarded any system of raising the voluntary contributions of the congregation as a source of endowment?—No; that has never been so regarded, nor has the question of pew rents come before them; with regard to pew rents, I merely expressed my own opinion.

77. Have you ever had occasion to inquire what is the state of the law now with regard to the possibility of raising voluntary contributions; that is to say, alms collected in the church for the support of the clergyman of the church?—No, I have not.

78. Do you consider that it would be desirable to apply those voluntary contributions towards the endowment of the church?—I think such a power exists of applying voluntary contributions coming from any quarter. The Commissioners are permitted to receive and to apply them to the endowment of the church.

79. I am not now speaking of voluntary contributions transmitted in one sum, once for all, but I am speaking of voluntary contributions of the congregation collected from time to time; say from Sunday to Sunday?—Such contributions would, I apprehend, be retained by some person duly appointed, and be paid over at intervals; I do not think the Commissioners would refuse to receive

J. Chalk, Esq.

25 February 1856.

sums of any amount, not being very small; I do not think the Commissioners would receive 20 *l.* or 30 *l.*

80. I am not speaking of an endowment made once for all, but of an endowment made by voluntary contributions from time to time. We were speaking just now of an endowment by means of pew rents, and I ask you whether you think, as one step further, it might be desirable to give the power of recognising as endowments, not only the proceeds of pew rents from time to time, but also voluntary contributions, or alms of the congregation collected in the church from time to time?—I can scarcely understand to what extent that power would go, because if they were voluntary contributions, people would give them when they pleased, and when they pleased they would withdraw them, and I cannot understand how you could reckon upon them.

81. Are not the pew rents purely voluntary?—Quite so; but still as long as there is the church, there people will generally be found to go and to pay pew rents; but how far they may be disposed to contribute further, I do not know. People will go to church, and will pay for the advantage and comfort of having a pew of their own, but I have no means of judging what the voluntary contributions would be.

82. You have not had occasion to inquire what sums are collected in the way of voluntary alms in churches from Sunday to Sunday?—No, I have not.

83. Mr. *Liddell.*] Has the case of the parish of St. Nicholas, in Newcastle-upon-Tyne, been brought to your notice, where almost the entire income of the clergyman depends upon what are called Easter Offerings?—We have had several applications from Newcastle. I have no recollection of our having that case before us. But upon the question whether the Offertory should be applied to this purpose, I really do not feel competent to offer an opinion.

84. *Chairman.*] Continuing the subject of endowments, is it not the fact that at present the Commissioners, in forming parishes under their Act, are not empowered to apply any part of the common fund to the purpose of endowment, and that they are only enabled to apply to that object those funds that were lent from Queen Anne's Bounty to that purpose?—Sir Robert Peel's Act is wholly silent as to the disposition of the funds received from Queen Anne's Bounty. In the clause of the Act 3 & 4 Vict. c. 113, which authorises the Commissioners to deal with the common fund, the words are as large as they can very well be. They are these, that out of such fund, "provision shall be made by the authority hereinafter provided for the cure of souls in parishes where such assistance is most required, in such manner as shall by the like authority be deemed most conducive to the efficiency of the Established Church." Those would empower the Commissioners to give either to Sir Robert Peel's churches, or to any others.

85. Practically have they done so; have they applied sums out of the common fund to the purpose of endowing churches under Sir Robert Peel's Act?—They have made no distinction; they considered that they were bound, under the arrangement at that time, to constitute some 200 districts with the funds at their disposal, and they have done so: other districts have been formed, but they have been chiefly from benefactions by individuals.

86. Then your opinion with regard to clause 3 of this Bill, which gives them that power, is that it is unnecessary in consequence of the power which they already possess?—Quite so.

87. Mr. *Dunlop.*] Is the 150*l.* endowment independent of a residence?—Independent of a residence; it is to be 150*l.* exclusive of a residence.

88. Supposing a residence were provided, what less endowment would you require?—Not any less.

89. *Chairman.*] You do not require a residence to be provided?—No.

90. You never diminish the 150*l.* endowment, whether there be a residence or not?—No.

91. As soon as the church is built, all the services of the church, such as baptisms, marriages, churchings, and burials can be performed, can they not?—Upon a church having become the church of a district, "it shall be lawful to publish banns of matrimony in such church, and according to the laws and canons in force in this realm to solemnise therein marriages, baptisms, churchings, and burials, and to require and receive such fees upon the solemnisation of such offices, or any of them, as shall be fixed by the chancellor of the diocese in which such new parish shall be situate."

92. In your experience, is any practical difficulty found to result in consequence

quence of those services of the Church being performed in Sir Robert Peel's churches?—I have no means of knowing. When once the Commissioners have approved the church, it is entirely out of their hands. We make compensation to the incumbent of the mother church for the loss of the fees.

93. Have you many applications of that nature for compensation?—Yes, many; we have granted 46 cases of compensation.

94. Out of the 250 districts which have been formed, you have not granted compensation in more than 46 cases?—The right to compensation does not accrue until the church shall have been built; and all those districts were formed in the first instance without churches.

95. Can you say in what number of those districts churches have been erected?—The number of districts altogether formed is 248, and those in which churches have been provided are 202, leaving 46 still without churches.

96. So that in fact, out of 202 cases, there have only been 46 cases of applications for compensation?—Only 46 have been granted; but more applications have been made. I should explain that those districts were many of them constituted at the passing of this Act; and in places where it has been very difficult to get churches built, churches have eventually been built, and in the meantime the incumbent of the mother church has been changed, and the new incumbent was held to have taken the mother church, subject to the new district becoming a new parish whenever a church should be built, and therefore no compensation has been made to him in that respect.

97. Mr. *Headlam.*] Have you heard of claims being made on the part of the mother church still to continue to perform all the rites of the Church; for instance, marriages, baptisms, and burials, after a new district has been formed, with respect to persons living within the new district?—That question could only arise after the consecration of the new church. I have heard that there have been some few cases of that sort; but the Commissioners have no power to deal with them in any way.

98. Are you prepared to express an opinion as to whether it would be desirable, in passing a new Act upon the subject, to make it clear that there should be no claim on the part of the mother church to exercise functions of this description with respect to persons living in the new district after it was completely established and the church consecrated?—I think there is no doubt about the law; but still, if it causes dissensions between clergymen, I think it would be expedient to set the question at rest.

99. By making it quite clear that the mother church had no jurisdiction with respect to the new district?—Yes; I think it might be well to do that.

100. Lord *J. Manners.*] Are the Ecclesiastical Commissioners bound under the Act to give compensation when a case is made out, or is it left to their discretion?—They are bound under the Act to give to the incumbent in possession at the formation of the district compensation for the loss that is shown; they have never refused to give such compensation.

101. Viscount *Ebrington.*] Do you think it is desirable that that obligation upon them should continue?—I think so; it has this good effect, that it obviates the necessity of having the consent of the incumbent of the mother church to the formation of the district.

102. Mr. *Headlam.*] Out of what fund is the compensation awarded?—It is paid out of the common fund.

103. *Chairman.*] Can you state what the compensation has amounted to altogether?—The aggregate of the grants is 832 *l.* per annum at present for the 46 cases.

104. Are those merely compensations for life?—They are only compensations during the incumbency of the incumbent who was in at the time of the formation of the district.

105. Have you had any complaints from the patrons of those districts, that by means of the loss of fees caused by the formation of the district, eventually the value of the patronage would be diminished?—The Commissioners are bound to send a copy of the scheme to the patron and the incumbent, and any objections which they make are submitted to the Queen in Council, with the scheme. In some few instances objections have been made, and have been submitted to the Queen in Council, with the scheme. But the schemes have been passed notwithstanding.

106. Do you compensate the clerk and sexton of the original parish as well?—No; nothing is said about them in the Act.

J. Chalk, Esq.

25 February 1856.

107. Do you receive complaints at times from those parties?—We have had some few applications from them, but not many.

108. In one of the clauses of this Bill (clause 19) it is proposed that in every case the services of the Church should be performed in all churches to which districts have been assigned, but that the fees should be paid over to the incumbent during his incumbency, unless compensation is provided; do you think that would be an arrangement which would be possible?—I think that arrangements of that sort are very undesirable, making one clergyman account to another; it is a case that does not arise under Sir Robert Peel's Act, because, as I have stated, the Commissioners make compensation.

109. You think that in every case the fees ought to go with the performance of the services?—Quite so.

110. And that it is undesirable that the fees should ever be separated from the performance of the services?—I think it highly undesirable that one clergyman should be made to act for another.

111. Sir *S. Northcote.*] That compensation is merely life compensation?—Merely life compensation; or rather, only during the incumbency, not for life.

112. It would not go to a successor?—No.

113. Lord *J. Manners.*] In clause 7, a power is given to the Ecclesiastical Commissioners to appropriate lands vested in them for the sites of churches; do you see any objection to that being extended to sites for parsonage houses and schools?—They have that power already; we constantly give sites for parsonages, and also for schools.

114. *Chairman.*] Have the Commissioners this power at present?—Yes; we have just set out some land for building churches in St. Pancras; there will be a number of villas built, and in the centre of them there will be an acre or half an acre for a site for parsonage and schools.

115. Therefore this clause is not necessary, except for districts formed under this Bill?—The Commissioners, like other landlords, subscribe to schools, and they give sites for schools and for churches.

116. The land is so entirely vested in them that they are able to apply it in that way if they see fit?—To apply it to purposes of that sort; it is generally considered that it is incumbent on landlords to devote a portion of their property to public purposes of that sort.

117. Mr. *Liddell.*] Are there any clauses in the present Act permitting them to alienate any of the property they have, because if you give a site you are alienating the land?—You are alienating the land, but they are not restrained from doing that.

118. Sir *S. Northcote.*] You see no difficulty consistently with the provisions of the mortmain laws in their giving land for endowment?—No, the Commissioners have the power of transferring land for benefices for the purpose of endowment.

119. *Chairman.*] They can receive any endowment now of any kind or description?—Yes.

120. Sir *S. Northcote.*] After an endowment has once been made, supposing the person wishes to give lands to increase the endowment, do you know whether there is a power of receiving them without license from the Queen?—We have power to receive lands.

121. Mr. *Pellatt.*] When you speak of lands, you speak merely of those lands over which the Commissioners at present have power; you do not speak of lands in the hands of the Crown?—No; the Commissioners have nothing to do with the lands of the Crown.

122. Lord *J. Manners.*] Can you state what happened with respect to the Firbeck bequest?—The Firbeck bequest was not a bequest of land. Mr. Gally Knight left a certain estate to trustees; the proceeds were to go to Mrs. Knight for her life, and after her decease the trustees were to sell the land, and pay the money over to the Ecclesiastical Commissioners for the purpose of promoting church extension.

123. *Chairman.*] Have you any suggestions to make with respect to any of the clauses in the Bill?—I should like to make a suggestion with respect to the 26th clause, which says, "Patronage may be conferred upon contributors to endowment or their nominees upon certain considerations;" and it sets out what amount of endowment shall be considered sufficient for a particular amount of patronage. At present it is quite an open question with the Commissioners; they

they do as, under all the circumstances, they see best; but I cannot help feeling that if 40*l.* be indicated as a sufficient sum, that amount would practically become your maximum and not your minimum: and I think it would be better to leave the question open to the Commissioners than to mention any specific sum.

124. You think that the powers they now possess ought not to be limited or controlled in any way?—I think not; I think that if the Commissioners considered that under certain circumstances it would not be expedient to part with the patronage for so small an endowment as that, this clause would be urged upon them, and it would be said Parliament intended you to accept that, and you cannot insist upon any more.

125. You think it would be better to have no restriction, but to leave it entirely discretionary with the Commissioners?—Quite so; there is a general practice of consecrating a church if there be an endowment of 1,000 *l.*

126. Mr. *Gladstone.*] When you spoke of very poor districts, you did not mean those that the Commissioners have had to do with?—No, I spoke of those which had been constituted under other circumstances.

127. *Chairman.*] Clause 25 of the Bill proposes to vest very large powers in the Ecclesiastical Commissioners, to enable them to confer patronage in certain cases of existing churches, not only in the cases of new churches that shall be constituted, but existing churches; it applies to the patronage of any church vested in the incumbent of an original parish; also to the patronage of any benefice under 20 *l.* a year, which is vested in the Crown; also to the patronage of any benefice under 200 *l.* a year, which is vested in any ecclesiastical corporation, aggregate or sole. Now do you not think that if it be thought desirable that those small endowments should be increased; and if it be further thought desirable that a mode similar to this should be adopted for the purpose of increasing them, a limit should be assigned, below which the endowment should not go?—I conceive this question to apply solely to cases of pre-existing churches. The powers which are proposed to be conferred by that clause are very large, and I scarcely feel competent to offer an opinion as to what would be the effect of it.

128. But you think that with regard to districts which the Commissioners may have the power of forming, and for which they may have the power of receiving endowments, no restriction ought to be put upon them, but that the amount to be required should be discretionary with them?—I think so.

129. Mr. *Pellatt.*] You have objected to one of the clauses in this Bill; in your opinion, are there any other clauses which make this Bill specially desirable, as being a considerable improvement upon Sir Robert Peel's Act?—This Bill, though having a different title, is in fact a Bill to extend and amend Sir Robert Peel's Act. I think some of the clauses in it are very desirable indeed. There are some that I can scarcely form an opinion upon, not having given them full consideration; but as a whole, I think that the main clauses of the Bill are very desirable indeed. With regard to the 32d clause, which provides for "Lands, tithes, &c. and other endowments, to vest in incumbent and his successors;" I do not know whether attention has been sufficiently given to the fact, that giving those lands to a new district to be constituted would scarcely be legally practicable. The course which the Commissioners adopt in such a case is this. They first have a conveyance made to them, there being no district in existence, and then they constitute the district by a scheme, and transfer to it the endowment which has been given to them. I merely suggest this as a legal question for the consideration of the framer of the Bill.

130. *Chairman.*] Is it your opinion that this clause would interfere with that mode of proceeding?—Yes. It says, "that all endowments, &c. shall be settled and assured by the body or person providing the same, free from incumbrances, by such deed or deeds, and in such manner as the Commissioners shall from time to time direct, unto and to the use of the incumbent for the time being." Now, you cannot convey to the incumbent for the time being of a district that does not exist, nor can the Commissioners, if they constitute the district first, be certain that the conveyance will ever be made. When they constitute a district, they must in their scheme set out the endowment, and therefore they take a conveyance of the property to themselves, and then, in the scheme, transfer it to the incumbent, as the endowment of the district constituted by that scheme.

J. Chalk, Esq.

25 February 1856.

131. Have you sufficient powers at present to render this clause needless?—Yes, quite.

132. Then do you in every case vest whatever endowment is given in the incumbent?—It is conveyed to the Commissioners first, and then in the scheme which they lay before the Queen for constituting the district, they also recommend that they be authorised to appropriate it to the district.

133. Lord *J. Manners.*] Is it optional with them to make that recommendation or not?—There is no doubt that it is always carried out immediately.

134. Mr. *Adderley.*] Under what Act is that?—It is not done under any special Act beyond this; they have a power under the 3d and 4th Victoria, to appropriate lands and tithes to the purposes of the cure of souls.

135. *Chairman.*] Did I rightly understand you to say, that it is discretionary with the Board either to hand over the endowment to the incumbent, or to retain it in their own hands?—There is practically some discretion as to the course taken.

136. But in every case the endowment is vested in the incumbent?—In every case the income is, by the scheme, secured to the incumbent.

Thomas Beachcroft, Esq., called in; and Examined.

T. Beachcroft, Esq.

137. *Chairman.*] YOU are Secretary to the Church Building Commissioners?—I am.

138. Mr. *Gladstone.*] Can you lay before the Committee an account of the different kinds of districts which are constituted, with a reference to the Acts under which they are generally constituted, and a statement of the several kinds of church, other than a fully constituted parish church, which are now constituted?—Yes, I beg to observe that my predecessor, Mr. Jelf, gave some valuable evidence on that subject to the Commissioners appointed to consider the subdivision of parishes, and which was ordered to be printed by the House of Commons in 1854.

139. Does that evidence contain the chief part of what you have to say?—It does. There are four modes of division which I beg to point out. The first mode of division is under 16th sect. 58 Geo. 3, c. 45, and is marked (A.) on the paper I have laid before the Committee; it is a division into a distinct and separate parish, which can only be effected with the consents of the ordinary and patron, and does not take effect until after the first avoidance of the living. Under this section the Church Building Commissioners have the power of assigning a separate and distinct parish with the same consents, and of apportioning the tithes, glebe, and emoluments of the original parish. The general course is to assign the tithe arising within the proposed new parish to the incumbent thereof, on the division taking full effect, and to leave the residue to the old parish church; but in some instances, where there has been a large rectory house to be kept up, particular portions of the tithe rentcharges have been assigned to the new parish.

140. You now refer to the Act of 1818?—Yes.

141. That was merely for the creation of parishes with full ecclesiastical rights?—Yes. After the first avoidance of the living, the patron of the mother church would present to the old rectory and to the new rectory. During the existing incumbency of the old church the new church would be served by a licensed stipendiary curate, and during that time none of the offices of the Church could be performed, except perhaps burials.

142. But the Act of 1818 contemplated either the immediate or ultimate formation only of parishes with full ecclesiastical rights?—Yes.

143. Did it in other parts of the Act contemplate the formation of district parishes without full ecclesiastical rights?—Yes, but without any interference whatever with rectorial or vicarial tithes. This mode of division is effected by the 21st section of the same Act, as set forth in the paper which I have delivered in, marked (B.); the difference between the two modes being, that, in the first instance, the tithe and glebe belonging to the benefice are divided, but in the second they are left intact. After the first avoidance of the living all the fees, oblations, and offerings belong to the minister of the new district church, but not until then. The third mode of division is by the assignment of a chapelry district under the 16th section, 59 Geo. 3, cap. 134. This section enables the Board, with the consent of the bishop, to assign a district to a consecrated chapel, and

and to determine what offices of the church shall be performed, and how the fees arising therefrom shall be applied; as the Act passed it merely assigned a particular district to a chapel of ease, served by a licensed stipendiary curate.

144. What was the practice under that section?—It was regulated according to the circumstances of the case. The Board have a strong feeling that the minister who performs the offices should have the fees, but in many cases there has been so much difficulty in alienating from a parish, with a large population, any amount of income belonging to it, that they have reserved, either during the existing incumbency, or in some few instances in perpetuity, a portion of the fees. But it is entirely within their control, with the consent of the bishop, to determine what offices should be performed, and how the fees should go. The right of nomination to these chapelry districts remains in the party in whom the nomination vested at the time the district was assigned; that is to say, in the incumbent of the mother church, if it were in him; but if it had been legally diverted, then in the party in whom it was vested prior to the assignment of the district.

145. Were the districts of those district chapelries legally distinct?—When the districts are assigned they become legally distinct, and are served by perpetual curates, the licensed curate in possession at the time of the district being formed becoming *ipso facto* the first incumbent of the chapelry.

146. With the title of perpetual curate?—Yes.

147. Then you have a fourth description of division?—There is a fourth description under the name of Consolidated Districts, taken out of two or more parishes under the 9th sect., 8 & 9 Vict., cap. 70. With respect to these consolidated chapelries, the Act provides that all the offices of the Church may be performed therein, and that the fees arising therefrom shall be accounted for during the existing incumbencies of the parishes out of which the district shall be formed, unless the same be voluntarily surrendered.

148. Is that provision until the next avoidance of the living, or permanently?—Only until the next avoidance of the living.

149. After the next avoidance of the living, is the consolidated chapel or church to pass into the condition of a district parish church?—No, but it becomes a benefice under the title of the church of a consolidated chapelry, and its status is the same as that of a district parish church, with the exception of the liability as to repairs. There is an express provision in the 70th and 71st section of the 58th of George the 3d, cap. 45, that district churches should maintain themselves, and contribute to the general church rate of the parish also for 20 years; but that after 20 years from the date of the consecration they should be exonerated from contribution to the general church rate of the parish; and Dr. Lushington, in a judgment which he gave in the case of Hackney, to which Mr. Jelf refers in his evidence, decided that it applied also to the case of a separate and distinct parish as well as to a district parish.

150. The particular provision to which you have just referred, with respect to liability to church rates, applies to the first two of the four classes?—It does.

151. Does it also apply to the fourth class; or in what condition is that with respect to the liability to repair?—A chapelry district has been held to be governed by the last two lines of the 70th section of 58 Geo. 3, which provide that "the repairs of all chapels not made district churches shall be made by the parish in or for which the chapels shall be built," as also a consolidated chapelry, that is, if the church of a consolidated chapelry is provided for at all.

152. Are the Committee to understand that the repairs of the church of a consolidated chapelry may be provided for by a rate upon the whole parish?—The case has not been specially provided for; it is a moot point; and the answer which the Board generally give to any question addressed to them on the subject, is to refer to the last two lines of the 70th section of 58 Geo. 3, cap. 45.

153. Mr. *Adderley.*] How does that apply to a consolidated chapelry taken out of several parishes?—The repair of the church of a consolidated chapelry is not provided for by the Church Building Acts; or, if it is at all, it is under the last two lines of the said 70th section of the 58th of George the Third, which would throw it upon the parish in which the church is locally situated.

154. Mr. *Gladstone.*] Are you able to say how the repairs of consolidated chapelries have been provided for?—I am not, but I fear that great difficulties have arisen from the uncertainty of the law on the subject.

155. Have they been provided for by a rate?—Not that I am aware of.

T. Beachcroft, Esq.

25 February 1856.

I have heard of the difficulties, but not how they have been overcome. The equity would be for the several parishes interested to contribute their quota.

156. You have now given us four methods in which a district, for ecclesiastical purposes more or less perfect, may be constituted; are there any legal forms or modes of constituting districts besides those four?—There is one other. The four I have mentioned are geneally designated as being under the Public Acts, the fifth is under the Patronage Act, viz., the 1st and 2d of William the 4th, chapter 38, which is in a measure a prototype of Sir Robert Peel's Act. Under that Act, the Church Commissioners have the power of taking into consideration any application which may be made to them to grant the patronage of a church upon an endowment charged upon land, or invested in the funds, and also upon a sufficient repair fund being provided; and after hearing the statements which may be laid before them regarding the measure, the Board determine according to the merits of the case, with the consent of the bishop, and afterwards assign the district, and it becomes a benefice under the designation of a particular district. If the Committee will give me leave, I will read an extract from a letter or circular of the Commissioners, which gives a little epitome of the Acts. (*The same was read as follows*):

"A parish may be divided into two or more distinct and separate parishes (sect. 16, 58 Geo. III., cap. 45), or into district parishes (sect. 21, 58 Geo. III., cap. 45), or districts may be assigned to chapels of ease (sect. 16, 59 Geo. III., cap. 134), or contiguous parts of parishes may be formed into consolidated chapelries (sect. 6, 59 Geo. III., cap. 134).

"Distinct and separate Parishes.

"A parish may be divided, with the consents of the bishop and patron, under their hands and seals, into two or more distinct and separate parishes, such division not to take complete effect until after the death, resignation, or other avoidance of the existing incumbent of the divided parish, and then for ecclesiastical purposes only; the rights of present incumbents are protected. (*See* 58 Geo. III., cap. 45, sections 16, 17, 18 and 19; 59 Geo. III., cap. 134, sections 8 and 13; and 58 Geo. III., cap. 45, sections 26, 27, 28, 29, 73 and 74; and 59 Geo. III., cap. 134, sect. 12).

"District Parishes.

"A parish may be divided into ecclesiastical districts, with the consent of the lord bishop of the diocese, under his hand and seal, such division not to take complete effect until the death or other avoidance of the existing incumbent.

"The rights of present incumbents are protected. (*See* 58 Geo. III., cap. 45, sections 21, 24, 25 and 30; 58 Geo. III., cap. 45, sections 26, 27, 28, 29, 73 and 74; and 59 Geo. III., cap. 134, sect. 12).

"District Chapels.

"Her Majesty's Commissioners may, with consent of the bishop of the diocese, assign a district to any chapel of ease already existing, or to any chapel built, or which may hereafter be built, or acquired under the powers of the Church-building Acts, the stipendiary curate thereof to be nominated by the incumbent of the parish to the bishop of the diocese for his licence; the emoluments of the incumbent not to be affected, unless the Commissioners, with the consent of the bishop of the diocese, shall see fit to assign a portion of the fees to the minister of the chapel, arising from the performance of those offices of the Church, which the Commissioners may determine, with the like consent, should be performed in such chapels respectively (*see* 59 Geo. III., c. 134, sections 16 and 17).

"Consolidated Chapelries.

"Her Majesty's Commissioners, with consent of the bishop of the diocese, under his hand and seal, may unite parts of contiguous parishes into ecclesiastical districts (*see* 59 Geo. III, c. 134, s. 6)."

157. Lord *J. Manners.*] What is the meaning in the extract you have read of "for ecclesiastical purposes only"?—As not affecting civil purposes.

158. Viscount

158. Viscount *Ebrington.*] It does not affect the management of the poor?—No.

159. Nor the powers of vestries under local Acts of Parliament?—No; it only refers to the case of the new church or district.

160. Mr. *Liddell.*] It is not stated in the paper you have read what relation each of these constituted parishes bears to the mother church?—Under the first class, the church of the new parish continues to be a chapel of ease, served by a licensed stipendiary curate, until the first avoidance of the mother church, and upon that avoidance taking place the patron of the original rectory presents two rectors, one to the old parish, the other to the new.

161. Sir *S. Northcote.*] Are not the churches in St. Marylebone distinct and separate parishes?—No; the churches of the four district rectories in this parish were constituted partly under the Church Building Acts, and partly under the Marylebone private Acts, which latter enacted that the new churches should be called "district rectories," a term not to be found in the Church Building Acts, which latter would only designate them as "district parishes."

162. Mr. *Gladstone.*] Could you draw up for the Committee a statement of the main features applying to each of the five different classes of churches under some such heads as the following: the consents necessary to proceed; the services to be performed in the new church; the appropriation of fees in the new church; relation to the old church, if any; repairs of the new church; pew rents, if any; endowment of the new church; patronage of the new church; sites of churches; parsonages; sites for new burial-grounds?—I will prepare such a statement.

163. Mr. *Liddell.*] With respect to pew rents, is there any limit actually placed by law to the amount of pew rents that may be charged?—None whatever that I am aware of; it is within the power of the Board to approve or otherwise of any scheme of pew rents that is laid before them, subject however to the sanction of the bishop.

164. Lord *J. Manners.*] In your classified table there is no mention made of pew rents as a source of income?—No; the Commissioners have no power to establish a scale of pew rents for the new churches built and endowed under the Patronage Act (1 & 2 Wm. 4, c. 38), as under the 4th section thereof the pew rents are proposed by the patrons of the church, and submitted to the bishop, and upon his approving thereof they become legal. I beg to submit an extract from a report which was prepared by a sub-committee of the Commissioners, and sent by the Archbishop of Canterbury for the consideration of the Secretary of State for the Home Department, and if the Committee please, I will read it, as it shows the Board's opinion with regard to the Church Building Acts so far as the divisions of parishes are concerned. (*The same was read as follows*):

"Extract from the Report of a Special Committee of Her Majesty's Commissioners for Building New Churches, dated 11th February 1856.

"The circumstances of different parishes, with respect to population, wealth, and the rights of patrons and incumbents, are various; and in the formation of ecclesiastical districts, very different arrangements, with respect to rentcharges, tithes and glebe, church rates, patronage, the performance of church offices, fees and offerings, are found both necessary and advisable, as more agreeable to the feelings, or less injurious to the rights of the parties interested. The Church Building Acts make provision for these several cases in all their varied combinations; and the Commissioners have always readily acted upon the conciliatory principle thus established. Whether the promoters of a church desired to have a separate and distinct parish attached to it; a district parish, a consolidated district, a chapelry district, or a particular district; and in whatever party or parties they proposed to vest the patronage, the Commissioners have always felt it their duty not to withhold their sanction when the provisions of the law were duly complied with, and the necessary consents obtained."

Jovis, 28° die Februarii, 1856.

MEMBERS PRESENT

Marquis of Blandford.	Viscount Ebrington.
Mr. Gladstone.	Mr. Headlam.
Sir Stafford Northcote.	Mr. Dunlop.
Mr. Pellatt.	Mr. Liddell.

THE MARQUIS OF BLANDFORD, IN THE CHAIR.

Thomas Beachcroft, Esq., called in; and further Examined.

T. Beachcroft, Esq.

28 February 1856.

165. *Chairman.*] YOU were requested to prepare a paper connected with the different descriptions of districts which are formed under the Church Building Acts?—I was, and I produce it; I have also papers with regard to the conveyance of sites, and charges upon rates.

[*The Witness delivered in the same, which are as follow:*]

A VIEW, in a Tabular Form, of the Law relating to the several Ecclesiastical Divisions and Districts formed or assigned under the Church Building Acts.

Acts and Sections.	Consents necessary.	Endowments.	Offices of the Church, and Fees.	Pew Rents.	Relation of the New to the Old Church.	Patronage of the New Church and Division.	Repairs of New Church.
1. AS TO DISTINCT AND SEPARATE PARISHES:							
58 Geo. 3, cap. 45, sect. 16.	-- Bishop and patron.	-- A portion of the tithes, glebe, &c., belonging to the old church.	-- Not any offices (except burials) can be performed until an avoidance of the mother church, when all may be so, and the fees received by the incumbent of the new division (28 & 29 sects. 58 Geo. 3, cap. 45).	-- Unless the Commissioners have made a grant in aid of building the new church, they cannot fix a scale of pew rents for it (63 & 64 sects. 58 Geo. 3, cap. 45).	-- Until an avoidance of the old church, that of the new church is in every sense a chapel of ease, and must be served by the incumbent of the old church, or his licensed curate only (18 sect. 58 Geo. 3, cap. 45).	-- Belongs to the patron of the old Church, (13 sect. 59 Geo. 3, cap. 134).	-- Provided for by rates levied on the inhabitants of the new division, who remain liable for 20 years from the consecration of the new church to the general church rate of the old parish (70 & 71 sects. 58 Geo. 3, cap. 45.
2. AS TO DISTRICT PARISHES:							
58 Geo. 3, cap. 45, sect. 21.	Bishop.	-- The glebe, tithes, and other similar permanent endowments of the old church are not affected by the division.	-- Not any offices (except burials) can be performed until an avoidance of the mother church, when all may be so, and the fees received by the incumbent of the district parish.	-- Unless the Commissioners make a grant in aid of building the new church they cannot fix a scale of pew rents for it (63 & 64 sects. 58 Geo. 3, cap. 45).	-- Until an avoidance of the old church the district parish is served by a licensed stipendiary curate, nominated by the incumbent of the old church (12 sect. 59 Geo. 3, cap. 134), whose license, however, remains in force until revoked by the bishop.	-- Belongs to the patron of the old church (67 sect. 58 Geo. 3, cap. 45), subject to the restriction in the 13 sect. 1 & 2 Vict. cap. 107, as explained by the 11 sect. 2 & 3 Vict. cap. 49.	-- Provided for by church rates levied on the inhabitants of the district parish, who, however, remain liable for 20 years from the consecration of the new church to the general church rate of the old parish (70 & 71 sects. 58 Geo. 3, cap. 45).
3. AS TO CONSOLIDATED CHAPELRIES:							
8 & 9 Vict. cap. 70, sect. 9; and 14 & 15 Vict. cap. 97, sects. 19 & 20.	-- The bishop and the patrons of the several parishes affected by the measure, or a majority thereof.	-- The tithe, glebe, and other similar permanent endowments of the parishes out of which the consolidated chapelry is taken are not affected by the measure, but the incumbents of such parishes may, and frequently do, annex tithes to the new church, or effect a rentcharge on their livings in favour of the minister of such church (21 sect. 1 & 2 Will. 4, cap. 45, and 14th sect. 1 & 2 Vict. cap. 107).	-- Marriages, baptisms, churchings, and burials may upon the formation of the consolidated chapelry be performed in the church thereof without any order whatever; the fees being reserved to the incumbents of the several parishes, unless they shall voluntarily relinquish them (10 sect. 8 & 9 Vict. cap. 70.	-- Unless the Commissioners make a grant in aid of building the new church, they cannot fix a scale of pew rents for it (63 & 64 sections, 58 Geo. 3, cap. 45).	-- The minister of the new church is legally and ecclesiastically independent, save as to the fees he is to account for, as mentioned in the fourth column hereof (9 sect. 8 & 9 Vict. cap. 70).	-- This is settled by the patrons, or a majority thereof, of the several parishes affected (9 sect. 8 & 9 Vict. cap. 70).	-- Not provided, or considered as being provided for, save as is enacted by the last two lines of the 70th sect., 58 Geo. 3, cap. 45, which are explained by the 20 sect. 3 Geo. 4, cap. 72.

Acts and Sections.	Consents necessary.	Endowments.	Offices and Fees.	Pew Rents.	Relation of the New to the Old Church.	Patronage of the New Church.	Repairs of the New Church.
4. As to District Chapelries:							
16 sect. 59 Geo. 3, cap. 134; the 12th sect. 1 & 2 Vict. cap. 107; the 3d sect. 2 & 3 Vict. cap. 49, and the 1st sect. 3 & 4 Vict. cap. 60.	Bishop - -	- - The tithe, glebe, and other similar permanent endowments of the parish out of which the district chapelry is taken are not affected by the measure, but the incumbents may, and very frequently do, charge their livings in favour of the new church, or annex tithes or glebe thereto (21 sect. 1 & 2 Will. 4, cap. 45). In many cases a permanent endowment is required by the bishop before he consents to consecrate.	- - The Commissioners, with the bishop's consent, only determine whether marriages, baptisms, churchings, and burials, or any, and which of those offices may be performed in the new church, and how the fees should be appropriated. Generally speaking, all the offices are ordered, and the fees at once assigned to the minister of the district; but in special cases, owing to the small income of the mother church, reservations of fees are sometimes made (16 sect. 59 Geo. 3, cap. 134).	- - Unless the Commissioners make a grant in aid of building the new church, they cannot fix a scale of pew rents for it, (63 & 64 sections, 58 Geo. 3, cap. 45).	- - The minister of the district is legally and ecclesiastically independent, save as to any fees he may have to account for to the old church, by the Order in Council assigning the district (17 sect. 8 & 9 Vict. cap. 70).	- - Belongs to the incumbent of the old church, unless legally vested elsewhere. The patronage may be settled before consecration (23 sect. 8 & 9 Vict. cap. 70), or it may afterwards be surrendered by the incumbent of the old church to any body or person (15 sect. 1 & 2 Vict. cap. 107).	- - Provided for, or considered to be so, by the last two lines of the 70th sect. 58 Geo. 3, cap. 45, as explained by the 20th sect. 3 Geo. 4, cap. 72.
5. As to Particular Districts:							
1 & 2 Will. 4, cap. 38, sects. 10 & 11.	Bishop - -	- - An endowment of 1,000*l.*, at least, or a rentcharge of 40*l.* per annum, is required by the Commissioners, not merely that the district may be assigned, but that they may declare the patronage of the Church, although the amount of the endowment is not actually mentioned, but is discretionary with the Commissioners. (7 sect. 14 & 15 Vict. cap. 97, which is an extension of the 5th sect. 1 & 2 Will. 4, cap. 38).	- - The Commissioners and the bishop alone determine whether marriages, baptisms, churchings, or burials may be performed. The fees are reserved by law in perpetuity to the incumbent of the parish, unless he shall, with the consent of the patron, voluntarily surrender the same, or such fees can be prospectively alienated in favour of the new church by an order of the Commissioners and the bishop. (14 sect. 1 & 2 Will. 4, cap. 38; 18 sect. 3 & 4 Vict. cap. 60; the 1 & 2 sect. 7 & 8 Vict. cap. 56; and the 18 sect. 14 & 15 Vict. cap. 97).	- - The trustees of the church and the bishop alone arrange and dispose of the pew rents. (4 sect. 1 & 2 Will. 4, cap. 38).	- - The minister of the district is legally and ecclesiastically independent of the old church, save as to fees, dues, &c., as mentioned in the fourth column hereof. (10 sect. 2 & 3 Vict. cap. 49).	- - This must be and is declared by the Commissioners, with the bishop's consent, before the church is consecrated, and it is always vested in the body or person building and endowing, or in such body or person as a majority of the subscribers to the building and endowment funds, of not less than 50*l.* each, may agree to (11 sect. 14 & 15 Vict. cap. 97).	- - A repair fund is always provided for the church. The inhabitants of the district continue liable to the church rate of the parish church, just as if the particular district had never been assigned; but such district cannot participate in the church rate.

As to SITES for all ECCLESIASTICAL Purposes.

1.—Conveyance of Land for the Site of a new Church, Churchyard, and Parsonage.

Under the 33d section, 58 Geo. 3, c. 45, any person may give, and the Commissioners may take, any quantity of land, not exceeding ten acres, for the above-named purpose. By the 36th section of the same Act, all bodies or persons whatever, whether under incapacity or not, may sell and convey land to the Commissioners for the same purpose; while public departments and the several incapacitated bodies or persons named in the 1st section 3 Geo. 4, c. 72, may give, grant, and convey land for the like object. Any rent, or annual or recurring charge on the land, may be apportioned on the remainder of the estate (27th sect. 14 & 15 Vict. c. 97, and the 17 & 18 Vict. c. 32).

2.—Conveyance of Land for Parsonage and Glebe.

The foregoing facilities apply also to the above-named case.

3.—Conveyance of Land as an addition to an existing Churchyard, or as a Site for a New Burial Ground.

All the facilities contained in the before-mentioned Acts are also extended to the conveyance of land for the above-named purposes (37th sect. 59 Geo. 3, c. 134).

Titles to lands so conveyed cannot be questioned after five years (29th sect. 3 Geo. 4, c. 72, and the 17th sect. 1 & 2 Will. 4, c. 38).

All conveyances are in a short form (2d sect. 3 Geo. 4, c. 72), and are free from stamp duty and enrolment in Chancery.

Charges on Church Rates for Purchasing and Enclosing Land as an addition to an existing Churchyard, or as a Site for a new Burial Ground.

The Commissioners may grant an authority enabling a parish to accomplish either of the above objects by means of church rates, or of money borrowed on the security thereof (26th section, 3 Geo. 4, c. 72), but where the land is given the Commissioners have no power to grant an authority, and therefore in such cases the parish carry out the measure under the common law.

T. Beachcroft, Esq.

28 February 1856.

It may be added, that in practice the word "parish" means ancient parishes; that the word "chapelry" means old parochial chapelries, such as exist in the north of England and elsewhere, which raise rates independent of the mother church; and that the word "township" has the same meaning; so that none of the new divisions or districts created by the Church Building Acts, or Sir Robert Peel's Act, can be assisted under this section.

May I be permitted to state to the Committee that since their last meeting there has been a meeting of the Church Commissioners, and I have been ordered by them to lay before the Committee the whole Report, of which I had the honour to deliver in an extract only at the last meeting.

166. Have you that Report with you?—I have.

167. Will you hand it in—(*The Witness delivered in the same*)?—It is a rough Report, an extract was delivered in on Monday last; it is a Report which has been sent by the Archbishop of Canterbury to the Home Secretary, with regard to the Commission. It was drawn up by a committee of the Board, consisting of a bishop, three archdeacons, and a doctor of divinity. Another observation I would beg the favour to be allowed to make to the Committee, namely, that since Mr. Jelf gave his evidence before the Division of Parishes Commission, the Act of the 14 & 15 Vict. has passed. The only important alteration in the law concerning the Patronage Act (1 & 2 Will. 4) in that Act, was the repealing of the sole jurisdiction of the bishop, under the second section of the said Act, but in other respects the law remains substantially the same; I think it right to mention this.

168. The last part of your evidence I think related to consolidated chapelries?—It did.

169. In consolidated chapelries all the services of the Church can be performed immediately upon the formation of the chapelry?—They can; the words of the Act are that they may be performed.

170. When the permission to perform those services is given, is there any reservation of fees made to the incumbent of the mother parish?—Certainly, during the existing incumbency.

171. In what proportion are those fees reserved?—The whole legal fee.

172. Is any portion of the fees given to the incumbent of the consolidated chapelry at the time of its formation?—None.

173. Then, in fact, he has the power to perform the services of the Church in his church, but not to take any of the fees, or rather, he is to account for the fees to the incumbent of the mother parish?—Unless it be a complimentary offering beyond the legal fee; that I apprehend he would be entitled to.

174. He is to account for the legal fees in every case?—Certainly.

175. Comparing consolidated chapelries with district chapelries, what is the difference of the law between the performance of the services in the one case and in the other?—In a consolidated district the offices must or may be performed; "may be" is the term in the Act, but it is considered that they must be performed under a consolidated chapelry; but in a chapelry district it is in the power of the Board, with the consent of the bishop, to determine whether any and what offices of the Church shall be performed, and how the fees arising therefrom shall be appropriated.

176. Then, practically, the effect of the law is this; that in a consolidated chapelry all the services of the Church are given to the incumbent, to be performed in his church?—Certainly.

177. But in a district chapelry, only some of the services are given; or it is left in the discretion of the Commissioners to say what services shall be performed in the church?—It is left in the discretion of the Commissioners to determine what services shall be performed.

178. In a consolidated chapelry is it ever left in the discretion of the Commissioners to determine?—No mention is made as to offices in the Board's representation to the Queen in Council, inasmuch as the offices and fees are regulated by the Act of Parliament.

179. Is, practically, the effect of it, in every case as regards a consolidated chapelry, to put the performance of the offices of the Church into the hands of the incumbent?—I should say so generally.

180. Then there consists this difference between a consolidated chapelry and a district chapelry, that in a consolidated chapelry all the services of the Church are performed, but in a district chapelry only a portion is performed, that portion being left to the discretion of the Commissioners?—Certainly.

181. Mr.

181. Mr. *Dunlop.*] Can the Commissioners authorise the performance of all the services, or must it be limited to a portion of them?—All or any of the offices ordered by the Commissioners must be performed upon the assignment of the district.

182. *Chairman.*] In a consolidated chapelry, you state that the fees are reserved to the incumbent of the mother church?—The fees of a consolidated chapelry are regulated by Act of Parliament, and no order is made with respect to them.

183. That is to say, the fees are always reserved to the incumbent of the mother church, and must be accounted for?—Certainly; in the express words of the 10th section of 8 & 9 of Victoria.

184. For what period of time is that reservation in force?—During the incumbency of each of the incumbents out of which the consolidated district is formed; if it is formed out of three parishes, when the parish of A. is avoided, the minister of the new church then ceases to account to that incumbent, and so on with B. and C.

185. Viscount *Ebrington.*] When you say that the fees are reserved, does that denote that a certain sum for the performance of each office of the Church is reserved for the incumbent, or that whatever is received by the officiating minister is paid over to the incumbent, be it large or small?—It is the legal fee to the minister, and to the clerk of the church.

186. So that anything paid in excess of that goes to the officiating minister?—A complimentary fee goes, I apprehend, to the incumbent who performs the office.

187. *Chairman.*] Upon the avoidance, then, of all the mother churches out of which the consolidated chapelry has been formed, all the fees revert to the incumbent of the consolidated chapelry?—Certainly.

188. Is any compensation given to the incumbents of the mother churches upon the extinction of the fees?—None by the Church Commissioners; they have no funds applicable to compensation.

189. Is any compensation given from any other source?—I believe that in some instances the Ecclesiastical Commissioners have made compensation for loss of fees to incumbents of very poor parishes.

190. In the case of consolidated chapelries, have they done so?—Yes.

191. Mr. *Headlam.*] Is the amount of fees regulated by the Act of Parliament?—It is not, it is regulated by the existing table of fees of the respective parishes.

192. Viscount *Ebrington.*] How does that existing table of fees originate?—Many such tables I believe are ancient, or according to custom, and are well known in the parishes, and recognised in most instances, I believe. The Board have the power when called upon to do so, to establish a table of fees for a consolidated chapelry.

193. Mr. *Headlam.*] Have they that power under the Act of Parliament?—Yes.

194. Viscount *Ebrington.*] Has anybody power to modify or alter the table of fees existing in a parish?—The Church Commissioners have the power to modify a parish table, with the consent of the vestry and the bishop.

195. Mr. *Headlam.*] Has not the chancellor of the diocese power in some cases under the Act of Parliament?—Not that I am aware of.

196. Mr. *Dunlop.*] In accounting for the fees to the rectors of the mother churches in the case of consolidated chapelries, what is the rule of apportionment; are all the fees for offices performed to the inhabitants of the portion of each incumbent's parish paid to that incumbent?—They should be, under the Act of Parliament, and I apprehend they are so.

197. Mr. *Liddell.*] Would it not be very desirable that these very nice distinctions should be so far abolished as to simplify the terms which are applied to the various descriptions of parishes and chapelries?—Under a chapelry district the Board have the power of determining whether any and what offices shall be performed, and how the fees shall go, which is found to be very desirable; and in consequence of that power, a great portion of the 1,005 districts or divisions of parishes which they have formed, have been under that Act. Many of the parishes in the north of England are so poor that they can ill afford an alienation of fees; therefore, under the powers given to the Commissioners by the 16th section of the 59th of George the Third, they have ordered only a portion of the offices to be performed, and reserved the whole or a portion of the fees.

T. Beachcroft, Esq.

28 February 1856.

198. *Chairman.*] Are you speaking with regard to district chapelries?—Yes; there is a power given to determine according to the circumstances of the parish.

199. Then, if I understand you rightly, there consists this difference between a district chapelry and a consolidated chapelry: that with regard to the fees in a consolidated chapelry, all the fees must be accounted for to the incumbents of the mother churches; but with regard to a district chapelry, the Commissioners may determine what portion of the fees shall be appropriated to the incumbent of the mother church, and what portion of the fees shall be appropriated to the incumbent of the district church?—Certainly, for the offices ordered to be performed by the Order in Council.

200. In the case of a district chapelry, are all the offices ever permitted to be performed in the chapel of the district chapelry?—Very frequently; and it is the wish of the Board that they should be performed in all cases where, as they believe, the circumstances of the mother church permit it.

201. Then in those cases the fees are accounted for to the incumbent of the mother church, if they are not given by the Order in Council?—Certainly.

202. What is the position of the incumbent of a consolidated chapelry; what is his title?—He is a perpetual curate.

203. He is a body politic?—Certainly.

204. Are consolidated chapelries ever endowed with permanent endowments, such as tithes?—Not necessarily upon the assignment of a district; but they may be so by the incumbents of the parishes out of which the district is formed, with the consent of their respective patrons.

205. In whom is the patronage of the consolidated chapelries vested?—As may be agreed to by the patrons of the several parishes out of which the district is formed, and which the Order in Council assigning the consolidated district states.

206. That is a wide arrangement; what is practically the result of it; in whom is the patronage generally vested?—Very frequently in the bishop of the diocese; occasionally alternately in the incumbents of the several parishes out of which the district is formed; in other instances, in the endowers of those churches; the builders and endowers I perhaps may say, but the endowers certainly.

207. Mr. *Dunlop.*] Is it never by alternate turns in the patrons of the old parishes?—Occasionally it is so.

208. *Chairman.*] Have the Commissioners power to affix pew rents in consolidated chapelries?—They have for the churches of the consolidated chapelries, in aid of which churches they have made grants; but in no other cases.

209. In cases where the Commissioners have not power to affix pew rents, are pew rents taken in those churches?—Not to my knowledge, officially. In many instances, I believe, they are so; but in a great many churches in England pew rents are taken upon a conventional arrangement, inasmuch as the Commissioners have only the power to establish a scale of pew rents for those churches in aid of which they have made grants, and they can only make grants where the population of the parish amounts to 4,000 and upwards.

210. Mr. *Liddell.*] The levying of pew rents in those cases is a matter of arrangement between the patrons and the bishop, I suppose?—Under the Patronage Act it is; but not under the Public Acts, for a church of a consolidated chapelry, or a chapelry district.

211. *Chairman.*] Then there is this difference with regard to the Patronage Act, that there the levying of pew rents can be authorised by the bishop, if I understand you rightly; and in a consolidated chapelry it can only be authorised by the Commissioners in those cases where they have made grants?—Certainly. Under the Patronage Act, the 4th section of 1 & 2 Will. 4 enacts that the patrons shall propose a scale of pew rents, and submit it for the approval of the bishop, and after that pew rents may be taken; but it is regulated entirely by that Act.

212. Sir *S. Northcote.*] The consent of the Commissioners is in no way required?—Not at all.

213. *Chairman.*] With regard to the repairs in consolidated districts, are they liable to the church rate accruing on the parishes out of which they have been taken?—That is a question which has not been settled by the Church Building Acts; and in the evidence which I had the honour to give before the Committee

Committee at their last meeting, I think I stated that there was a doubt whether any other clause related to the repairs of churches of consolidated chapelries than the last two lines of the 70th section of the 58th of George the Third, which enact that the repairs of all chapels not made district churches shall be made by the parish in or for which the same shall be built.

214. Would it give the consolidated chapelry a claim on the mother parishes, and render it liable to the rates belonging to the mother parishes?—I fear that those two lines would throw the onus upon the parish in which the church is locally situated, and not upon the other parishes, out of which the district was formed.

215. In your opinion would the consolidated chapelry be liable to the rates belonging to all the parishes; not that it could claim repairs from all the parishes, but would it be liable to the rates levied on all the original parishes out of which it was taken?—I apprehend that each portion would continue to contribute to the general church rate of the parish out of which that portion was taken, just the same as if the district had not been assigned.

216. Would that liability continue for 20 years?—I do not think it would be at all affected by it; the restriction in question extending only to district parishes.

217. Then in fact it would be a continuing liability?—I apprehend so.

218. Have you anything more to state with regard to consolidated chapelries?—Not that I am aware of.

219. Will you describe to us the next species of district, which I think is a district chapelry?—A district chapelry is formed under the 16th section of the 59th of George the Third, under which section the Board have the power to assign a district to a parochial chapel and to determine what offices of the church shall be performed, upon the assignment of the district, and how the fees shall go.

220. Mr. *Liddell.*] What is the distinction drawn between a chapel of ease and a parochial chapel?—The minister of a parochial chapel is paid out of pew rents, or from some other source, but not out of the revenues of the mother church. One of the bishops corrected me upon one occasion. He said, "It is not a chapel of ease, because no portion of such revenues is applied towards its maintenance, and therefore it is a parochial chapel."

221. A chapel of ease is a chapel for the services of which the incumbent of the mother church, or his curate, is liable?—Yes.

222. Sir *S. Northcote.*] How are parochial chapels founded; because this section contemplates a parochial chapel already existing; how would such a chapel have come into existence?—That Act states that the chapel shall be served by a licensed stipendiary curate, who shall be subject to all the laws relating to stipendiary curates, except the assignment of a salary. That exception contemplates his being paid out of the pew rents arising from seats in the new church, and not from any portion of the revenues of the mother church.

223. Can anybody build a parochial chapel if he pleases?—It cannot be consecrated without certain consents. The churches of most of the chapelry districts have been built by the Board, or by grants in aid from them, with a view to districts being afterwards assigned.

224. Are there any cases of chapels without districts?—I should say many.

225. How did those chapels come into existence?—In a variety of ways. Most of them were built under the powers contained in the Church Building Acts. I should mention to the Committee, that as the 16th section of the 59th of George the Third originally passed, it merely assigned a particular district to a chapel of ease served by a licensed stipendiary curate, and that it was the 17th section of the 8th & 9th of Victoria which made those stipendiary curacies perpetual curacies and benefices.

226. *Chairman.*] But, in the first instance, the position of the incumbent was that of merely being a stipendiary curate?—Certainly; nominated by the incumbent of the mother church.

227. Viscount *Ebrington.*] They being now perpetual curacies and ecclesiastical benefices, are the persons appointed to them subject to the same law with respect to the bishop's power over their appointment which applies to curates in general, or do they possess the greater advantages enjoyed by rectors presented to livings with regard to the authority of the bishop?—I apprehend that, as perpetual curates and beneficed clergymen, they are under all the same laws as a rector or a vicar is.

T. Beachcroft, Esq.

28 February 1856.

228. Mr. *Headlam.*] They have the same right in their incumbency?—They are independent of the rector, and of any control by him where a district is assigned, excepting having to account for the fees reserved by an Order in Council.

229. Viscount *Ebrington.*] I was speaking of their original institution to the perpetual curacy?—The 17th section of 8 & 9 Vict. provides that the licensed stipendiary curate in possession of the church intended to be made the church of a chapelry district shall, *ipso facto*, upon the issue of an Order in Council, become the first perpetual curate of that district.

230. Mr. *Headlam.*] When he is perpetual curate, can he be turned out by the bishop without a decree of the court?—I should say, certainly not.

231. Viscount *Ebrington.*] Is he on the footing of a rector as regards the bishop's consent to his original institution, or is he on the footing of an ordinary curate?—On the footing of a perpetual curate and independent incumbent.

232. Is a perpetual curate on the footing of a rector as regards his institution by the bishop, or on the footing of an ordinary curate?—I am not sufficiently conversant with the modes of presentation and institution to answer legally that question; but the status, so far as independence goes, is one and the same.

233. *Chairman.*] In the first instance, if I understand right, the appointment of the stipendiary curate of a district chapelry was vested in the incumbent of the mother parish?—Certainly; unless vested otherwise at the time the district was assigned, or by agreement under the 8th & 9th of Victoria.

234. Then the Commissioners, at the time of the assignment of a district to a chapel of ease or parochial chapel, had the power to divert the patronage, if they saw fit?—Not by the assignment of the district; the assignment of a district made no alteration with regard to the patronage; it left it where it was at the time of the application.

235. So that if it was in the incumbent of the mother parish originally, it would remain in his patronage?—Certainly, or in any other party in the same way. I should mention that the 15th section of the 3d of Geo. 4 authorises the parties entitled to the patronage to surrender the same in order to enable the Board to assign a district; and many instances have occurred where patronage has been surrendered in order to bring a chapelry district into operation.

236. The largest number of districts, I think, which have been made by the Church Building Commissioners are of this description, chapelry districts, are they not?—They are. Out of 1,005 divisions of parishes which the Commissioners have made from 1818 up to the 31st of December last, 651 have been into chapelry districts; and the great advantage of that proceeding was, that the assignment did not interfere with the patronage, and it enabled the Ecclesiastical Commissioners, out of their general funds, several years ago, when they were granting augmentations, to make so many more grants than they would otherwise have done, had the divisions been into distinct parishes; because the right of nomination to a distinct parish would be in the patron of the mother church, many of those patrons being laymen; and the rule of the Ecclesiastical Commissioners being that all churches augmented by them should be in ecclesiastical or public patronage; public patronage being construed to extend only to the Crown, and the two Crown duchies.

237. Mr. *Liddell.*] Then the main distinction between a district chapelry and a distinct parish would be this, that in the case of a district chapelry the patronage rests with the incumbent of the mother church, and in the case of a distinct parish the patronage rests with the patron of the original parish?—The patronage of a district chapelry rests in the incumbent or other person who was in possession of it at the time of the assignment, and the patronage of a district church is, as stated, with the patron of the mother church.

238. *Chairman.*] Practically speaking, is the great proportion of district chapelries in the patronage of the incumbents of the mother churches?—I should say that the majority of them are so; and there is this advantage attached to it, that the incumbent of the parish would have the opportunity of nominating a gentleman with his own views, and with whom he could act in harmony.

239. If they assumed a distinct parochial and independent character, do you think that it would be equally advantageous that the patronage should be in the incumbent of the mother church?—The original Act of the 58th of George the Third only contemplated two modes of division, one into separate and distinct parishes, and the other into district parishes or perpetual curacies. The Act also

also provided that the division should not come into full operation until after the first avoidance of the living, and therefore until that avoidance took place, none of the offices could be legally performed, except perhaps baptisms and churchings and burials, with the consent of the incumbent of the mother church, but certainly marriages could not; this was found inconvenient, and in the following Session the Commissioners obtained an Act with a chapelry district clause in it, which clause merely assigned, as it originally passed, a particular district to a chapel of ease, served by a licensed stipendiary curate. Many clergymen in possession of these stipendiary curacies complained of their inferior status as compared with some of the larger churches, with a considerable income arising from pew rents, whereas, perhaps a small living of 80 *l.* or 100 *l.* a year was a perpetual curacy. There was a very strong feeling upon the subject, and the Board, with, I think, the recommendation of the Division of Parishes Commission, proposed the clause in the 8th & 9th of Victoria, chapter 70, making these stipendiary curacies perpetual curacies; however, there are two modes of operation in the statute, namely, that under the 21st section and that under the 16th section. In the one case the Board have the power to act as they may think fit with regard to offices and fees, and in the other they have no option whatever; it is regulated by Act of Parliament.

240. In the event of a chapelry district being entirely independent of the mother parish, do you think it would still be advisable to retain the patronage in the incumbent of the mother parish?—I think decidedly so.

241. Even though it ceased to have any connexion with the mother parish?—It would still, civilly, be a part and parcel of the parish.

242. Do you think, then, that in every case in which one division of the parish is civilly connected with another, having formed a part of the original civil division, it is advisable to have the patronage of that new division in the incumbent of the original parish?—I think, generally speaking, it may be found desirable. It will not apply in all cases.

243. There is a power, I believe, existing, by which chapelry districts may become separate and independent parishes, is there not?—The 16th section of the Act of the 3d of George the Fourth intended to give that power; but it was found inoperative in consequence of the minister being a perpetual curate.

244. What would there be inoperative?—The 16th section of the said Act provides, that the "Commissioners may, with consent of the ordinary, &c., convert district chapelries into district parishes, where residence, &c. is obtained and fees are compensated for." The Board have found that section to be inoperative, in consequence of the offices of the Church being performed in chapelry districts, and the 28th section of the 58th of George the Third, providing that no offices shall be performed during the existing incumbency of the parish church.

245. Viscount *Ebrington.*] Do you see any particular reason why the patronage should continue in the hands of the incumbent of the mother church in these cases, after the first opportunity, or after the lifetime of the first incumbent in whose time the district chapelry was established?—I think it would be desirable that it should be so; it gives the incumbent of the parish a voice and an importance in his parish which I think it would be desirable for him to retain.

246. *Chairman.*] Are district chapelries liable to the rates of the mother parish?—Certainly; the assignment of such chapelries makes no alteration with regard to the liability to church rates; it remains where it was before.

247. Can the district chapelry church come upon the mother church to provide for its repairs?—I apprehend that such was the intention of the Legislature when they passed the 70th section of the 58th of George the Third. I regret to say it is too frequently evaded, I fear.

248. It is not practically often carried into effect; they do not receive sums from the mother church for their repairs?—The Board officially have no cognizance of the fact. Frequently complaints are made by the clergy of their not being able to obtain rates for the expenses of their chapels, and of late the Board, instead of making a reservation for the erection of a parsonage-house out of pew rents, have been giving the whole amount for which the pews may let to the clergyman, in order that he may have a margin for the expenses of the church if called upon to defray the same.

249. Therefore there is this state of things, that although the whole original district is liable to the rates which go to the mother parish, yet practically speaking the district chapelry does not obtain any portion of those rates for its own benefit?—

T. Beachcroft, Esq.
28 February 1856.

benefit?—I apprehend that in too many instances the district can obtain no portion of the church rate of the original parish to which the inhabitants of the chapelry contribute.

250. Has it come at all within your knowledge that that has been a cause of great opposition to the levying of church rates in those districts?—In the original Bill upon which the 14th & 15th of Victoria was founded, the Board inserted a clause to make each district liable to maintain its own church; Government declined to sanction any such clause, which the Board regretted, as they were of opinion that if it had been inserted, it would have facilitated very much the collection of church rates.

251. In those cases where the Order in Council forming the chapelry district permits marriages and other offices to be performed in the church of the district chapelry, does it virtually, or by implication, prohibit the performance of those services in the mother church of the original parish, or may the incumbent still claim the right to perform them?—The 17th section of 59 Geo. 3, and the same section of 3 Geo. 4, expressly enact that these new districts shall be considered in every respect as original parish churches.

252. Does it at all come within your knowledge that, with respect to some services which by the Order in Council have been given to the chapelry district to perform, the right to perform them is claimed by the incumbent of the mother church?—The Board have learnt that such is frequently the case; the incumbents have claimed the right to celebrate marriages of parties within the bounds of the civil parishes, alleging, I believe, that their common law right has not been taken from them by the Church Building Acts.

253. Have you ever known any cases of legal proceedings following in consequence of that?—Not with regard to marriages.

254. In cases where the Board has directed that a certain portion of the fees shall be accounted for to the incumbent of the mother church by the incumbent of a district chapelry, have you ever found any difficulty arising from that?—Frequent complaints have been made to the Board upon the subject, and the Board have a very strong objection indeed to one clergyman being called upon to account for fees to another, but they have found it in numerous instances unavoidable, as in many of the large ill-endowed benefices in England, but more particularly in the north, where the great and small tithes are appropriated, and the incumbents have nothing to depend upon but fees.

255. I believe cases of legal proceedings have arisen in consequence of the fees not being accounted for in every case?—There was a case taken into court by the Rev. Mr. King, the rector of Bethnal Green, and a verdict given against the incumbent of the new church, but it was made a special case for the opinion of the judges, the ultimate result of which I am not aware of.

256. Is the incumbent of a district chapelry enabled to take and hold an endowment for himself and his successors?—Certainly.

257. He has all the rights of a body politic and corporate?—Certainly, and many charges have been made by the incumbents of the mother churches with the consent of their patrons, either by a specified amount of rentcharge, or by an assignment of a certain portion of tithe rentcharge, as the case may be, in favour of these new chapels.

258. Does the assignment of that tithe rentcharge alter their position parochially, or leave them in the state they were in before?—It leaves them in the same state. That charge, of whatever nature it may be, is made under the 1st & 2d of Will. 4, c. 45, commonly called the Archbishops' Augmentation Act, an Act over which the Church Commissioners have no jurisdiction.

259. Then, in fact, there is this difference between a district chapelry and a distinct and separate parish, that both may have a portion of the original tithe assigned to them; but one may claim to be a separate parish, and the other remains a district chapelry in its subordinate position?—A separate and distinct parish can only be formed by an apportionment of the tithe, glebe, and emoluments of the original parish; the augmentation of a chapelry district is permissive, not compulsory.

260. But the same thing occurring to both, their subsequent position is different; both being ultimately possessed of a portion of the tithe, the position of the former one is that of a separate and distinct parish, while the position of the latter is still the subordinate one of a district chapelry?—Certainly; but in the first instance stated, the tithe, glebe, and emoluments are apportioned, and, generally speaking, all the tithes arising within the new parish are assigned to the new parish. I do not mean to say that that is invariably so, because in the

case

case of Loughborough a larger amount of endowment was left to the mother church in consequence of the large rectory house, which required a larger sum to maintain it than the rectory attached to the new church; therefore a particular portion of the tithes of the parish of Loughborough was assigned to the new parish of Emanuel, and the remainder left to the ancient church.

261. Mr. *Liddell.*] The patron no doubt being a layman?—No, Emanuel College, Cambridge.

262. *Chairman.*] I think, if I mistake not, that the general intention of the Legislature seems to have been, with regard to the reservation of fees and the performance of services in district chapelries, that those services should be performed in every case as far as it was possible to allow them, and that the fees should only be retained by the incumbents of the mother church where it was absolutely necessary for them to be so retained, in order to provide for the income of the mother church; but that upon the first avoidance of the mother church they should be extinguished, and revert to the incumbent of the district chapelry?—The 16th section of the 59th of George the 3d gave power to the Board to determine, with the consent of the bishop, what should be done under the particular circumstances of each case brought before them.

263. Then, are there cases in which the fees do not revert to the incumbent of the district chapelry upon the avoidance of the mother church, but remain permanently in the mother church?—I have a statement before me, by which it appears there are 14 cases where a portion only of some of the fees are reserved in perpetuity under the section in question.

264. But only 14?—Altogether there are 39 cases. If the Committee will permit me, I will deliver in this tabular statement.

[*The Witness delivered in the same, which is as follows:*]

STATEMENT showing the total NUMBER of CASES (under eight different heads) of APPROPRIATION or RESERVATION of the FEES from MARRIAGES, BAPTISMS, CHURCHINGS and BURIALS, or from some or one of those Offices, at 634 out of 651 Churches, to which District Chapelries have been assigned under the Church Building Acts, from the Commencement of the Commission in 1818, up to the 31st December 1855. At 17 Churches no Offices were ordered to be Performed.*

OFFICES directed to be Solemnised or Performed.	Received by the Minister upon the Assignment of the District Chapelry.	Reverting to the Minister upon the next Avoidance of the Parish Church.	Equally divided until an Avoidance of the Parish Church, when all will belong to the Minister of the District.	Equally divided in perpetuity between the Minister of the District and the Incumbent of the Parish. (Note, in 10 Cases Local Acts imperatively required such a Division.)	Variously apportioned, until an Avoidance of the Parish Church, when all the Fees will belong to the Minister of the District.	Reservation in perpetuity to the Incumbent of the Parish, of the whole or a Portion of the Fees from some only of the four Offices.	No Order made, and therefore the Fees belong by common law to the Incumbent of the Parish; but in one case the Fees are specially reserved.	TOTAL Number of Cases.
Marriages, Baptisms, Churchings and Burials.	332	52	12	25	26	14	4	455
Marriages, Baptisms, and Churchings.	49	19	7	3	- -	- -	1	79
Marriages - -	4†	- -	- -	- -	- -	- -	- -	4
Baptisms, Churchings, and Burials.	37	10	- -	31	- -	- -	1	79
Baptisms and Churchings.	5	4	- -	3	- -	- -	3	15
Baptisms - - -	- -	- -	- -	2	- -	- -	- -	2
								634

N.B.—The cases ═══ underlined are gradually falling into those —— underlined.

* Of these 17 Churches, nine were in the parish of St. Pancras, the local Act relating to which prohibited any offices being ordered.

† These marriages were ordered under a supplemental Order in Council, 4th section, 7 & 8 Victoria, c. 56.

T. Beacheroft, Esq.

28 February 1856.

265. To go back once more to the case of consolidated chapelries and the fees there, that is not so in the case of consolidated chapelries; in the case of consolidated chapelries, if I am right, all the fees upon the first avoidance of the mother church revert to the incumbent of the consolidated chapelry?—Certainly, as a matter of right.

266. Sir *S. Northcote.*] With regard to taking endowments, can the incumbent of a consolidated chapelry or of a district chapelry equally take land if given by any person as an endowment?—They are both perpetual curates, with the power of holding endowments and of taking land.

267. The mortmain laws would not prevent their taking land without a license from the Crown?—Certainly not; they are in the same position as the incumbent of an ancient parish.

268. Can the incumbent of an ancient parish take land given to him as an endowment without a license from the Crown?—He can hold it. I believe the usual practice is to convey lands to the Governors of Queen Anne's Bounty, in order that they may vest in the incumbent for the time being.

269. Is that necessary to be done in the cases of consolidated chapelries and district chapelries also, that the governors of Queen's Anne's Bounty must be called in to enable the incumbent legally to hold the land without a license from the Crown?—Tithe, I apprehend, under the Archbishops' Augmentation Act, which I have previously quoted, may be conveyed to the incumbent without the intervention of the Governors of Queen Anne's Bounty; but land, I apprehend, must be conveyed to the Governors of Queen Anne's Bounty.

270. That would be the case in the different kinds of parishes of which we have been speaking?—I apprehend so. The Church Commissioners have the power to take any quantity of land not exceeding 10 acres; as glebe and land so conveyed to them would, upon the consecration of the church in aid of which it was given, vest in the incumbent for the time being of such church.

271. Do you happen to know how that is in the case of Peel Districts, as they are called?—I do not.

272. Mr. *Liddell.*] Have you heard many complaints from the incumbents of the district churches in large towns of the loss of fees consequent upon the passing of the laws regarding burials, since intramural burials were forbidden?—Several of the incumbents have complained; not so much the incumbents of chapelry districts as of ancient parishes; several incumbents of ancient parishes have complained of the very serious loss of fees in consequence of the closing of their burial-grounds; and particularly incumbents in London. The vicar of St. Giles's-in-the-Fields, and the incumbents of parishes of that sort, which are mainly dependent upon fees, suffer, I fear, very materially by the passing of those laws.

273. *Chairman.*] I believe that with regard to district chapelries the profits of the sale of vaults under the church are paid in to the incumbent of the mother church?—They would be reserved with the other fees; but the 14th and 15th of Victoria provides, that where there is no special reservation of fees, all the fees for vaults, offerings, and mortuaries shall go to the minister of the district church.

274. Are there any cases in that table which you have handed in, where the fees for burials and the proceeds from the sale of vaults are reserved in perpetuity to the mother churches?—That is a matter of detail which the Board have not gone into in the Orders in Council; that table is merely an epitome of the Orders in Council.

275. Viscount *Ebrington.*] Has not the question of burial fees very much lost its importance, practically, since the recent sanitary regulations with regard to extramural burial in the metropolis and other large towns?—I think the alteration is very much felt, from all I have learnt from the incumbents of some populous parishes. The alienation of the burial fees has affected them materially. They have complained much of the loss of those fees; but it is a matter in which the Board have no jurisdiction; therefore it is only a passing observation.

276. Practically, in consequence of the alienation of those fees, the question has lost a good deal of its importance?—The loss is still felt.

277. The question as to the apportionment of what no longer is within the reach of either has lost a good deal of its importance?—Certainly. Where there is no power of performing burials now, the Board make no order with regard to them.

278. Mr.

278. Mr. *Headlam.*] Have you ever heard complaints arising out of the regulations of the Privy Council relating to draining churchyards, and draining burial-places?—I am not cognisant of any such complaints having been made.

279. Have you never heard of any complaint of the expense of the draining arising out of those regulations falling upon the clergyman?—The only jurisdiction which the Board have respecting burial-places is that of affording facilities for obtaining lands to be devoted, when consecrated, to that purpose, and also of authorising charges upon rates to defray the expenses of those burial-grounds; that is their only jurisdiction as to burial-grounds *qua* burial-grounds.

280. Mr. *Pellatt.*] In the tabular statement which you have put in, there are 14 cases where the mother churches receive in perpetuity the fees; on what ground was it decided to give them that benefit?—I apprehend in consequence of the small endowment of the mother churches of the parishes from which the districts were taken; also in consequence of the provisions in local Acts of Parliament.

281. How are new parishes which are formed out of old districts to be supported; will it be by pew-rents or endowments?—Generally by pew-rents. Under the Church Building Acts the bishop has the power, if he thinks fit, to consecrate a church upon pew-rents only, if he sees the probability of a sufficient income. I believe the majority of the bishops require a permanent endowment to be provided of something like 40 *l.* a year, in addition to the pew-rents.

282. Are the receipts from the pew-rents subject to very large deductions against the minister, who ought to have the benefit of them, and what extent per annum do you think they average?—I have no means of ascertaining that. The Board are informed occasionally, by complaints from the minister, of the calls which have been made upon him to contribute towards the expenses of the church, which, for the sake of peace, many clergymen have assented to, although there is not the least doubt that it is a claim to which they ought not to be subject.

283. I have been informed that it is something like 50 *l.* or 60 *l.* a year; have you any means of gathering any distinct idea upon the point?—It would depend so much upon the size of the church, the locality, and many other matters, that I cannot form an opinion.

284. With regard to lands, as to which there seems considerable power with respect to conveyance for ecclesiastical purposes, how does that override the law of mortmain?—The Mortmain Acts are barred by the Church Acts, and the Board's powers of taking lands under the Church Acts are very extensive.

285. *Chairman.*] Do persons having pews in the churches of district chapelries still retain their right to pews in the mother churches?—Certainly. Under the Church Building Acts they cannot be deprived of them; there is no power to do so.

286. Have you known cases where inconvenience has resulted from persons retaining a right in the mother church which has not been made use of by them?—There is a power in the Act for the Board to enter into an arrangement with the owner of a pew in the parish church, to give him an equally good pew in the church of the new divison, whatever it may be, the better to enable the Board to create free seats in the parish church; but that is the extent of the power. There is no power to dispossess a party of a pew in the parish church, unless he shall voluntarily surrender it.

287. Mr. *Liddell.*] What constitutes the right to the possession of a pew?—I believe a faculty or prescription; a faculty probably is the only legal right, but a long prescriptive right is also recognised.

288. Sir *S. Northcote.*] In the case of prescription, I suppose it would presume that there had been a faculty at some unknown period?—I do not know that that is the case. The prescription has been recognised in the transfer clause, reseating in the new church parties who held seats in the old church. The Commissioners to be appointed by the bishop are ordered to take notice of those parties claiming to hold seats by a faculty or prescription.

289. Mr. *Dunlop.*] Does the prescriptive right attach to the individuals or to the lands they possess?—I should think it attaches to the lands.

290. *Chairman.*] In some cases, I believe, the pew rents of the district chapelry are paid over to the vestry of the mother parish, and paid to the incumbent?—Such is the case in the parish of Marylebone; under the Marylebone local Acts, a considerable sum is raised in the four district parishes, or district

T. Beachcroft, Esq.

28 February 1856.

district rectories, as they are called by these Act; that sum is paid over to the vestry, and the vestry pay, under the order of the Church Commissioners, a certain sum to each of the four incumbents annually.

291. There are other cases, I think, where that also takes place?—There may be several other cases.

292. Viscount *Ebrington.*] That is under local Acts, and not under the law of the land?—Under local Acts.

293. Sir *S. Northcote.*] In the statement which you have put in, you mention in one case, that the trustees of the church and the bishop may arrange and dispose of the pew rents, but in all the other cases you confine yourself to saying that the Commissioners have no power to fix a scale of pew rents, unless they make a grant towards the building. You do not say who has the power of fixing the pew rents in those cases in which the Commissioners do not?—It is a case not provided for. The first point mentioned was with regard to the Patronage Act, under which the trustees have to propose a scale to the bishop; it is an Act *per se.* There is a particular form of conveyance, and there are particular provisions regarding patronage cases, and amongst others a scale of pew rents; with regard to the cases comprised in the second branch of the question, there is no power, of which I am aware, of establishing a scale of pew rents, excepting under the authority of the Board, and the Board can only establish such a scale for a parish with a population of 4,000 and upwards; *ergo*, a parish with a population of 3,950 can have no scale of pew rents.

294. Are you able to say under what authority pew rents are levied in other churches?—I apprehend it is only by a conventional arrangement, which is good as long as it lasts, but would not bear the test of a court of law.

295. *Chairman.*] There is no power, I think, with regard to district chapelries, to hold a select vestry in them?—It was abolished by the 14 & 15 Victoria.

296. So that does it in fact come to this, that the affairs of the parish, so far as they come within the cognizance of a vestry, are under the arrangement of the vestry of the mother parish?—The churchwardens appointed by the 6th section of the 8 & 9 Victoria, are to keep order in the church and collect the pew rents, &c.; but they have no power to make a rate, and therefore there is nothing, that I am aware of, that a vestry can be held for in a chapelry district.

297. How are the churchwardens appointed?—One by the minister of the church, and the other by the inhabitants of the district.

298. Is not the appointment of a churchwarden tantamount to an act of the vestry?—The inhabitants must assemble, certainly.

299. So that they have the power of assembling?—They may assemble, but they have no power to make rates.

300. They have the power of appointing a churchwarden?—Certainly, the inhabitants have that power.

301. With respect to the patronage districts, will you inform the Committee how they are formed?—The only jurisdiction now under those Acts is that of the Church Commissioners, who, with the consent of the bishop, have the power of taking into consideration any application which may be laid before them, for leave to build and endow a church, under the Act of the 1 & 2 Will. 4. That Act enacts that a permanent endowment is to be provided and a sufficient repair fund; the amount is not limited in either case; but the Board generally decline to declare the patronage unless an endowment of at least 1,000*l.* is provided, and also a sufficient repair fund.

302. Did you state that the amount was not limited, that there was not a minimum?—No minimum is stated. Under the 5th section of the 1 & 2 Will. 4, there never was a minimum, and that is continued by the Amendment Act of the 14 & 15 Victoria. The bishop, under the 2d section of the Act now repealed, was limited to 1,000*l.*; and he was also limited to a particular mode of forming a repair fund, namely, the investment of five per cent. upon the cost of the building, and a sum equal to five per cent. upon the sum so invested taken from the pew rents, amounting altogether to something like ten per cent. upon the cost of the building, in round numbers.

303. To make the formation of these districts clear to the Committee, in the first place, the Commissioners are empowered, upon application, to form a district; is that so?—It forms part of the application. The Church Commissioners require

require the district to be set out and to form part of the application; they send copies of the application and copies of the map to the patron and incumbent of the parish or parishes out of which the district is to be formed.

304. Then the bishop is also empowered to form a district under the 1 & 2 Will. 4?—Yes, for cases commenced under his jurisdiction prior to the passing of the 14 & 15 Vict. c. 9, but not for subsequent cases.

305. You, I think, have stated also that there was a difference in the conditions which were required on the part of the Commissioners, and on the part of the bishop, in the formation of a district; I am now alluding to the 1 & 2 Will. 4?—The bishop was restricted to a particular amount of endowment; the jurisdiction turned also upon population, and the distance of the site of the new church from the parish church; but that section is entirely repealed, and it is now open to the Board and the bishop to deal with any case which may be brought before them. The district was in both instances assigned under the same sections.

306. When you say that it is now open to the Board and the bishop to act, is the authority vested in the Board and the bishop, or only in the Board, with the consent of the bishop?—Only in the Board, with the consent of the bishop.

307. Under the 1 & 2 Will. 4, the Commissioners were not limited to any amount?—They were not.

308. Are they now limited to any amount of endowment?—They are not.

309. So that, in fact, they could form a district without adding any endowment, if they chose?—I apprehend that an endowment must be provided, but the power to determine the amount is with the Board.

310. Viscount *Ebrington.*] Must that endowment be a perpetual endowment under the words of the law (I am not speaking of the practice of the Commissioners), or if it consisted of an annuity for a certain number of years, would it be according to the law (not the present practice) a valid endowment?—It must be a permanent valid endowment, either money invested in the funds or charged upon land, or tithe rentcharge and vested in perpetuity.

311. *Chairman.*] The district having been formed, will you state what are the regulations connected with the offices of the Church in that district?—The fees arising from baptisms, churchings, and burials are specially reserved to the incumbent of the church out of whose parish the district is formed, unless he shall, with the consent of the patron, voluntarily surrender the same. The 7 & 8 Victoria allows marriages to be performed, with a similar restriction as to fees, and if the patron and incumbent refuse to consent to the alienation of those fees, the 18th sections of the 3 & 4 Victoria, and of the 14 & 15 Victoria, enable the Board and the bishop jointly to order those fees to be alienated after the first avoidance of the living.

312. Are you alluding to fees for marriages only?—To all. There are two sections in the 1 & 2 Will. 4 respecting offices, but neither authorise marriages to be performed.

313. Do they authorise the other services?—Yes, the three other offices; and the fees are reserved to the incumbent, as before stated.

314. In the same way that they are reserved to the incumbent in the case of consolidated chapelries or in the case of district chapelries?—I am speaking now of the Patronage Act, which is an Act *per se.* The 14th section of the 1 & 2 Will. 4, authorises baptisms, churchings, and burials to be performed, and reserves the fees arising therefrom to the incumbent of the mother church, unless he shall, with the consent of the patron and the bishop, voluntarily surrender the same; the 18th section of the 3 & 4 Victoria enables the Board and the bishop to alienate those fees after the first avoidance of the living; the 7 & 8 Victoria was afterwards passed, authorising marriages to be performed in the churches of patronage districts, but also reserves the fees; and the 18th section of the 14 & 15 Victoria enables the Board, with the consent of the bishop, to alienate the same after the first avoidance of the living.

315. When the law enables marriages to be performed in those districts, does it enable the incumbent to take the fee upon the service of the marriage, or does it require that that fee shall be accounted for to the mother church?—I apprehend it must be accounted for and paid over to the mother church; marriages being authorised, it is the duty of the incumbent of the church to celebrate them and to account for the fees.

T. Beachcroft, Esq.

28 February 1856.

316. Then in what does that differ from the original provision upon the formation of a district, because if I understand aright, upon the formation of a district in the first place, by the 1 & 2 Will. 4, the offices of the Church are to be performed in the church, and the fees are to be accounted for to the incumbent of the mother church. You say that, by a subsequent enactment, marriages are permitted to be performed in the district, and yet the fees are to be accounted for to the incumbent of the mother church. How does that give any increased advantage or liberty to the district?—It places the four offices upon the same footing; they are all to be performed, and all the fees are reserved during the existing incumbency, and they may all be alienated after the first avoidance.

317. Then in the first instance marriages were not allowed to be performed?—They were not.

318. Then the case with regard to those districts under the present state of the law is this, that all the offices may be performed in the churches, and the fees are to be accounted for to the incumbent of the mother church during his incumbency, and after the avoidance they may be alienated?—Yes; and with regard to the offices to be performed, it is a matter regulated by the application. One of the questions to be answered in the queries before the Committee is, "Are marriages, baptisms, churchings, and burials, or any of them, proposed to be performed in the new church?" Another, "Is there reason to suppose that the incumbent of the ancient parish, or of the new parish or district (as the case may be) in which the new church or building is to be situate, will consent to its consecration?"

319. With regard to the state of the law as respects these districts, and the performance of the offices of the Church, and the accounting for the fees to the incumbent of the mother church, they are in a position analogous to consolidated chapelries?—Hardly; because in consolidated chapelries the offices must be performed.

320. In this case they may be apportioned by the Board?—Certainly.

321. So that, as far as regards the vesting of the fees in the incumbent of the district, after the first avoidance of the mother church, they are in a position similar to that of consolidated chapelries; and as far as regards the apportionment of the offices, they are in a position analogous to that of district chapelries?—Certainly.

322. Mr. *Pellatt.*] With respect to the question of pew rents, if the pew rents are large, there is a provision in the Bill for taking the excess beyond what is thought necessary for the support of the minister, and appropriating it to some other purpose; will not that, in your opinion, repress the generosity of parties?—The Committee will give me leave to state that several years ago, in one or two large parishes, out of a considerable sum arising from pew rents, the Board ordered 500 *l.* a year to be paid out of those pew rents, a certain salary to the clerk, and the remainder to be paid to trustees to form a fund for purchasing or building a parsonage house. In several instances it was found that those moneys got into the hands of the churchwardens, and were applied by them, as they could not get money out of the parish church rate, towards the expenses of Divine service and the repair of the church, and that therefore the Board's intentions were frustrated; and upon that the Board applied to Parliament for power, by a supplemental order, to appropriate the surplus pew rents to the incumbent of the church in all those cases where a trust had not been commenced, and it was acted upon in Paddington, in one of the churches in Camberwell, and I believe in some other parishes similarly circumstanced, where there would be no difficulty on the part of the clergyman in finding a house suitable to his wants, if he had the means to pay for it.

323. Are you aware whether that arrangement lessened the amount of subscription towards the pew rents; are you aware whether the appropriation of the pew rents to other purposes had the effect of lessening their amount?—I think it has not affected it, inasmuch as the scale of pew rents is fixed under the common seal of the Board; and it is with regard to the scale so fixed that the Board would make an order of the nature to which I have adverted.

324. Mr. *Liddell.*] How are the salaries of the clerk and the sexton provided for by law; first of all, out of what fund?—The clerk is paid out of the pew rents; the sexton is not provided for by the Church Building Acts, and possibly the Legislature contemplated that he would be paid by fees, or as a servant of the church.

325. Then by whom is the amount of that salary assigned?—The Church Commissioners take it into consideration, and it is part and parcel of the assignment out of the pew rents. The general mode of assignment at the present time is, that the whole amount for which such pews may let shall be paid to the minister, with the exception of 10*l.* or 20*l.* a year, or whatever the sum may be, to the clerk as a salary.

326. Is the amount of that salary dependent upon the amount of service required of the individual who acts as clerk?—The amount of salary is proposed by the incumbent of the new district, or parties taking the management of the matter, to the lord bishop of the diocese, and the Board generally assent to whatever sum his lordship may approve of for such salary.

327. Mr. *Pellatt.*] Are there any cases where the repairs of these district churches or chapelries are paid out of the pew rents?—The Board have no power to order any portion of the pew rents to be applied towards the annual repair of the church. The 27th section of the 59 Geo. 3 enables them to authorise a sum of money being borrowed upon the mortgage of the pew rents, but not for the annual incidental expenses of the church, or repairs.

328. You are not aware whether there is now any payment out of the pew rents to support the fabric?—I am not aware of any having been made.

329. Sir *S. Northcote.*] What is the principle upon which the scale of pew rents is fixed?—A scale is prepared and laid before the Board, framed with reference to the circumstances of the immediate locality for which it is wanted.

330. What do you mean by the circumstances; do you mean that where the locality is poor the pew rents should be low, so as to allow persons easily to get seats, or that where the endowment is small, the pew rents should be high, so as to raise a large sum for the support of the minister?—I mean with respect to the general pecuniary circumstances of the inhabitants.

331. Does the revenue from pew rents form a very large item in all these new arrangements which have been made?—In many instances it does. There are some churches where from 1,200*l.* to 1,400*l.*, and even 1,500*l.* or 1,600*l.* a year, may be derived from pew rents.

332. Are you aware whether as a rule the pew rents are larger than any other species of endowment?—There are many churches, I am sorry to say even ancient parish churches, with not more than from 80*l.* to 150*l.* a year; therefore a very large sum coming from the pew rents would be a more valuable species of benefice for a clergyman to hold as long as the pew rents last.

333. In considering the scale which is laid before them, the Board, of course, inquire whether the charges are reasonable with reference to the locality; do they consider it reasonable if the scale is such as to get the largest amount for the minister, or such as to provide the largest accommodation for the people?—The Board look to the lord bishop of the diocese and his archdeacons for advice upon that point; their wish is to obtain as large an income from the pew rents as they properly can, and also to provide a sufficient amount of accommodation in free seats and in low-rented pews, for the inhabitants who are not so well off.

334. Then they are very much guided by the opinion of the bishop and the archdeacons?—Very much so, and they are particularly desirous that there should be no competition with regard to the scale at which the pews or the sittings in pews are let between different churches in the same parish. It is always their wish, if the circumstances of the inhabitants are the same, that the pew rents should assimilate.

335. Are there any cases in which the whole of the pews are let, and no portion is left free?—I should say none; under the Church Building Acts one-fifth of the sittings must be free; but the Board usually require one-third to be free in all cases where they make grants; and it is only in those cases that they establish pew rents.

336. If a church is built in a part of the town where it has a large poor district attached to it, but where there is a rich neighbourhood, not in its own district, but near its own district, would the Board take that into consideration as a reason for fixing the pew rents low, or for throwing open a certain number of sittings, so as to gve the benefit to the district, and not to get as much money as they could out of a neighbourhood, which, perhaps, does not belong to the church?—They would depend chiefly upon the advice of the lord bishop of the diocese upon the subject, but each case would be governed by its local circumstances. It is not an uncommon thing for the Board to be requested to form an inconvenient

T. Beachcroft, Esq.

28 February 1856.

inconvenient boundary, territorially, for the purpose of securing a more equitable division as to the rich and poor of a parish which is proposed to be divided.

337. *Chairman.*] Are you at all aware in those cases where pew rents are conventionally taken, by whom the amount is fixed?—I apprehend by the incumbent of the parish, or the minister of the church.

338. In the cases of the private patronage districts the amount is fixed in every case by the bishop, not by the Commissioners?—It is proposed by the trustees, and approved of by the bishop, and then it becomes legal under the express terms of the 4th section of 1 & 2 Will. 4.

339. Is it the Bishops' Act?—It is the Bishops' Act.

340. Must it be approved of by the Board?—The Church Commissioners have nothing to do with it; they have no jurisdiction.

341. Are these districts in the same condition with regard to repairs as those which we have already considered?—No. A repair fund is directed to be provided, both under 1 & 2 Will. 4, and 14 & 15 Vict.

342. Has this Act been largely acted upon?—I am not aware to what extent it has been acted upon by the bishops of the several dioceses, under the 2d section of 1 & 2 Will. 4; but the Church Commissioners have declared the patronage in 96 cases.

343. Is there any provision for these districts becoming independent parishes on any contingency?—None.

344. They may become district parishes, may they not?—I am not aware of any clauses in the Church Building Acts which would enable them to become so. They are formed under a special Act of Parliament, which the Board have looked upon rather as a compulsory Act, and it is now only brought into operation when parties are disinclined to enter into an arrangement under the 23d section of 8 & 9 Vict.

345. Are there any cases in which less than 1,000 *l.* has been accepted by the Commissioners as an endowment?—I think there is one case, and I think only one.

346. Are there any cases in which more than 1,000*l.* has been given as an endowment?—Several. There is a wealthy banker in the City who has built a church under Sir Robert Peel's Act, and provided an endowment of 5,000*l.* for it. He wished also to build a second church in the same parish, and to give the same sum of money, but to apply a portion of it, I believe 1,900*l.*, towards the erection of a parsonage house. He found that he could not do this under Sir Robert Peel's Act, and he therefore came to the Church Commissioners for the second church, because he did not wish to invest more than 5,000*l.*, or an equivalent to 5,000*l.* Consols, in the endowment of the church; and a portion of that he intended to apply in the erection of a parsonage, as a more profitable investment; therefore, for the second church, he came under this Patronage Act.

347. In the formation of these districts, are there ever cases in which a district is assigned to an existing chapel, similar to the case of an existing chapelry, the party or parties coming forward and claiming to endow that chapel permanently?—If the church in question has not been consecrated, then the Board would have the power to entertain the application; but they have no power to deal with a consecrated church, under the Patronage Act.

348. So that, in fact, under the Patronage Act, it must either be an existing unconsecrated building, or a building must be erected at the time of the formation of the district?—Certainly. In Marylebone a theatre, or unfinished building, was bought by certain trustees, and reconstructed or altered in such a way as to enable the bishop to consecrate it as a church, and it is now the church of a district chapelry.

349. Should you say that, generally speaking, the Act, as you believe, has been successful?—I should say generally.

350. I suppose, although you do not know the exact number of cases in which the bishops have conferred patronage, still they are numerous?—I should say, far more numerous than those conferred by the Board.

351. Is it your opinion, that if a power existed in the Board to confer the patronage of consecrated buildings upon persons willing to endow those buildings, that would be a power which would be often called into exercise?—It is quite contrary to the spirit of the existing Acts.

352. But here we have a case of parties who are willing to build a church, and

and to endow it, in order to get the patronage; if facilities were afforded for giving the patronage to parties who would only endow, do you not suppose that the same desire would also lead them to offer an endowment, in order to obtain the patronage?—I think that there are facilities for an arrangement of that sort at present existing under the Bounty Acts. Parties may, by offering a benefaction, possibly obtain an augmentation from the Bounty Board, and if so, that Board would, under the circumstances mentioned, have the power, with the requisite consents, to transfer the patronage.

353. Although that patronage is specifically vested already?—It would be with the consent of the parties in whom the patronage is so specifically vested.

354. Are you at all aware whether that has been generally acted upon?—I believe it has, to a considerable extent, under the Bounty Acts. The Church Commissioners have no such power.

355. The Bounty Board, then, have the power of assigning the patronage in consideration of an endowment?—Yes, in consideration of an endowment the patronage may be obtained, provided an augmentation be granted that Board.

356. Still, the consent of the existing patron would be necessary, in order to obtain that patronage?—I apprehend so, under the Bounty Acts; I am not, however, conversant with the whole bearing of those Acts, but I believe such to be the case.

357. In your opinion, if any Board, the Church Commissioners for instance, had the power of assigning the patronage in certain cases, without requiring the consent of those persons in whom it is at present specifically vested, would they receive many applications from persons willing to endow, in order to obtain that patronage?—I think possibly they might.

358. Mr. *Liddell.*] Is 1,000 *l.* the lowest sum which the Commissioners will accept in conferring the patronage of any particular church?—I mentioned to the Committee that it would only be under the Patronage Acts that the Board would insist upon an endowment. The question of endowment of churches built under the Bishops' clause in the Acts rested with the lord bishop of the diocese, but I know of but one case where a smaller sum than 1,000 *l.* has been accepted by the Board.

359. *Chairman.*] Are there any other descriptions of districts formed under the Church Building Acts than those which you enumerated?—No; there are seven columns in the printed statement which I have delivered in, but in two cases, two columns of each merge in one; the Board have certain powers under the Manchester Division Act to constitute new districts, or to alter the boundaries of existing districts, if requisite, previously to their being declared rectories under that local Act.

360. With regard to the boundaries of districts which have been made by the Church Building Acts, have the Board power to alter those boundaries at any time?—There are such powers.

361. Are not those powers very much scattered through the Acts?—There are three modes of alteration in the Acts; viz., the 23d sect. of 58 Geo. 3, c 45, the 6th sect. of 3 & 4 Vict., c. 60, and the 16th sect. of 8 & 9 Vict. c. 70, which enable the boundaries of distinct and separate parishes, and district parishes, and consolidated or district chapelries, to be altered, by an Order in Council, on representation by the Commissioners, with certain consents.

362. Are there not other powers contained in other Acts for similar purposes?—There is a power of assigning a chapelry district out of a chapelry district, which would, virtually, be an alteration of boundaries.

363. Sir *S. Northcote.*] When boundaries are altered, the status of the district remains the same?—It is merely the alteration of the territory; the district parishes formed, and the chapelry districts assigned, out of the parish of Islington, have been altered several times to meet the changed circumstances of the population. The three clauses referring to the subject I have mentioned in a former answer.

364. *Chairman.*] With regard to sites, what are the regulations in the Acts of the Commissioners with respect to the title of a site not being questioned?—The 29th sect. of 3 Geo. 4, c. 72, provides that the title to a site shall not be questioned after five years, but that has been construed to extend only to latent, not to apparent, defects; the 33d sect. of 58 Geo. 3, c. 45, enables the Board to take sites for churches, churchyards, and parsonage-houses for new churches, and also any quantity of land not exceeding 10 acres. The first sect. of 3. Geo. 4,

T. Beachcroft, Esq.

28 February 1856.

c. 72, applies to parsonages for both ancient and modern churches, whereas the previous section only applies to new ones; and a clause was afterwards brought in to extend the power contained in the 33d and 36th sections of 58 Geo. 3 to ancient churches, but unfortunately the clause in question (9th sect. 1 & 2 Vict. c. 107) limits the quantity to five acres by sale or exchange.

365. What power did you seek, do you say, to extend?—The power of the Board to enable parties under incapacity, and also other parties, to convey not exceeding 10 acres of land as a site for a parsonage-house and glebe for an ancient church, instead of only five acres by sale or exchange, as limited by the 9th sect. of 1 & 2 Vict. c. 107.

366. In whom do those sites vest?—They are conveyed to the Board in their corporate capacity as Her Majesty's Commissioners for Building New Churches, and the sites for churches vest as enacted by the 13th section of 8 & 9 Vict.

367. They vest in whom?—In the incumbent for the time being.

368. Is that clause retrospective or prospective?—Both; because the words are, "shall have or may be."

369. Then is the present state of the law this: that the site of every church which has been built under the Church Buildings Acts vests in the incumbent for the time being?—Certainly.

370. Mr. *Pellatt.*] Can the Commissioners buy land for the purpose of converting it into sites?—They have no money applicable to the purpose; but they signify their willingness to accept land, provided the consideration to be paid for it be found by the applicants. The powers possessed by the Church Building Commissioners with regard to sites are very ample; and in an experience of now nearly 22 years I know of but two cases where the Board were foiled in obtaining the conveyances of sites; I mean by preliminary objections; one was in the case of a lunatic, where the brothers and sisters were very anxious to make a conveyance, but would not go to the expense of appointing a Committee; and the other was in the case of a minor, of 16 years of age, who was very willing to make a conveyance, and his mother would have joined him, but she was not the legal guardian of the real property, although she was guardian of the person.

371. Sir *S. Northcote.*] Can you give us any information with regard to districts which have been formed under private Acts, and the respects in which they differ from those formed under the Church Building Acts?—I am not aware of any local Act assigning districts; some parishes have been divided by local Acts. There was an Act passed with regard to the division of Wynwick, and also an Act with regard to Doddington. Under the Wynwick Rectory Act, I think the Board had jurisdiction, but not so under the Doddington Act. In the other local Acts the powers are various, and the Church Commissioners have found many inconvenient provisions, so much so that in some instances they have been prevented assigning a district.

372. In what respects have they been prevented; can you give us any instances?—With regard to the performance of offices, and the reservation of fees; in some instances it is expressly enacted, that no offices shall on any account be performed in the chapel; in others baptisms and churchings may be performed, but not marriages and burials.

373. Are you aware of any sufficient reasons for the parties having proceeded by way of private Acts, and not having taken advantage of the Church Building Acts?—I am speaking of ancient Acts; by ancient Acts I mean Acts passed prior to 1818, the date of the first Commission; I am not aware of many private Acts having passed since 1818. There was one, certainly, which passed not long since with regard to St. Leonards; that was an Act of which the Board were not aware until it was brought before them, to know how the clergyman there could get out of a difficulty in which that Act had placed him.

374. There was one with regard to Torquay last year, for instance; did that come under the notice of the Board?—Yes; the difficulty there was, that the applicants in that case could not bring the matter within the provisions of the Patronage Act. I think, in the case in question, they wanted to borrow money upon the pew rents, not only to build the church in the proposed new parish, but also a chapel of ease to be built thereafter in the new parish so to be formed. The charge upon the pew rents the Board could not authorise; therefore the parties wanted to go beyond the existing law, and they were obliged to apply for a private Act of Parliament.

375. Are you aware of any changes that could be introduced into the Church Building

Building Acts, which would prevent the necessity of private Acts of Parliament?—In the instance you have just mentioned, there may have been some minor point which I do not at present recollect, besides the charge upon the pew rents; but if the Board had had the power to override those objections, no doubt the case might have been proceeded with under the public Acts, without a private Act of Parliament.

376. Do you think it would be desirable that the powers of the Board should be enlarged, so as to obviate the necessity of parties applying for private Acts of Parliament?—I do not think the powers of the Board as to pew rents should be enlarged; they have a very general opinion that the same should only be applied as a source of income to the minister, although they have occasionally consented to act under the 27th section of the 59th of George the Third, in some rather pressing cases, but they have done it with the greatest reluctance.

377. Do you think it would be desirable that the Board should have so large a discretion as to obviate the necessity of parties applying for private Acts of Parliament; if a case arises in which it would be desirable, from particular circumstances, that something should be done which the Commissioners have not power to do, it is necessary for the parties to apply for a private Act of Parliament; do you think it desirable that the powers of the Board should be made so general that such necessity could not exist?—I think that it may be desirable.

378. Do you not think that there may be inconvenience in the practice of applying for private Acts of Parliament?—There is very great inconvenience in the cost, if no other; the cost of an Act of Parliament is a very considerable addition to the cost of the church, which last-named cost there is difficulty in providing in a great variety of instances.

379. In addition to the inconvenience of the cost of an Act, is there not some danger of a want of uniformity of principle in dealing with particular cases?—I think that is very likely, and there may be some clauses inserted in the Act which had better not have been inserted.

380. Do you think it desirable that in the event of private Acts being thought necessary they should be submitted to the Commissioners, whoever they might be, for their observations before they came before Parliament, as certain classes of Acts are submitted to the Board of Trade and other public departments?—I think it very desirable that there should be some such surveillance.

381. Mr. *Pellatt.*] With regard to the expense of a church; supposing a church cost 5,000 *l.*, how much should you add to that cost for the expense of the Commissioners in fees?—There are no fees. The Board were directed by the Lords of the Treasury some years ago, when their law costs amounted to 800 *l.* or 1,000 *l.* a year, to draw the line somewhere with regard to who was to pay those costs; that line was drawn, and in those cases where the Board make grants, they defray their solicitor's costs, but in those cases where they do not make grants, they call upon the parties to pay them; there are no other costs whatever, with the exception of the said law costs; the Treasury solicitor is the Board's solicitor.

382. What does that amount to?—It varies according to circumstances; last year it was 380 *l.*, the previous year it was 228 *l.*; that is the total expense of the year for the Board's solicitor.

383. That does not go against the parties endowing?—No; in the case of a patronage district, the parties building and endowing under that Act are called upon to give an undertaking to defray the costs of the Board's solicitor, whatever they may be.

384. Mr. *Liddell.*] With regard to the question of the creation of new parishes, would it not be very desirable to give the power of appointing vestries for ecclesiastical purposes only, because at present, it would appear that only the mother church in all cases of district chapelries or district parishes, or any of the cases with which we are concerned, has the power of appointing a vestry; they are dependent consequently for their church rates entirely and solely upon the mother church in all cases?—A district parish has the power of appointing churchwardens, and I think a vestry is referred to in the Act. The 73d section of the 58 Geo. 3, c. 45, provides for the appointment of churchwardens, "That two fit and proper persons shall be appointed to act as churchwardens for every church or chapel, built or appropriated under the provisions of this Act, at the usual period of appointing parish officers in every year, and shall be chosen,

T. Beachcroft, Esq.

28 February 1856.

one by the incumbent of the church or chapel for the time being, and the other by the inhabitant householders entitled to vote in the election of churchwardens residing in the district to which the church or chapel shall belong."

385. But they have not the power of levying a church rate?—For a district parish they would have. The clause which I am quoting from refers to the appointment of churchwardens for a district parish. The Act provides that the church of a new district parish must be maintained by the district, and after 20 years from the date of consecration shall be exempt from contribution to the general church rate of the parish.

386. Have they the power of levying church rates for the repairs of their own church?—I believe so, under the powers of the Act.

387. Are consolidated chapelries placed in the same position?—They are not provided for at all, unless it be in the last two lines of the 70th section of the 58 Geo. 3, as already stated.

388. *Chairman.*] The point which the Honourable Member was raising was, whether they had the power of assembling a vestry, and whether the vestry had the power under the law of levying a church rate?—The section in question contemplates a vestry; but there is no express clause enacting that a vestry shall be called.

389. Would you apprehend that there was sufficient power by implication to enable them to assemble a vestry?—I think so, under that section, for a district parish.

390. With regard to consolidated chapelries, that is not so?—With regard to a consolidated chapelry, one of the churchwardens is to be nominated by the minister or incumbent of the church, and the other by the inhabitant householders; and those inhabitant householders would, I apprehend, meet in vestry to appoint him.

391. Do you apprehend that there is sufficient power there to enable them to hold a vestry for all ecclesiastical purposes?—They cannot make a rate; probably for the election of churchwardens there would be the power, but not for a rate.

392. Is there any power in the Board to supersede local Acts to any extent in the formation of a district?—There is a clause in the Act of the 14 & 15 Victoria, providing that the Church Building Acts, as to the formation of a parish or district, shall apply to a parish regulated by a local Act, on application to the Church Building Commissioners by the patron, incumbent, and vestry.

393. But it must be by the patron, incumbent, and vestry of the original parish?—Certainly.

394. Supposing that parties residing in a district proposed to be formed are desirous of having that district cut off from the mother parish, there is no power in the Commissioners then to form that district, if any local Act shall interfere with it?—Not without the consents required by the said section, if the provisions of the local Act are repugnant.

395. Is it the practice of the Board in many cases to assign a portion of the pew rents as an accumulating fund for a parsonage house?—It has been very rarely done in my experience; in many of the older cases a stipend of 500 *l.* a year, or whatever it might be, was assigned to the minister, and a sum to the clerk, and the residue was ordered to be paid to trustees to form a fund for a parsonage house, as I have already stated to the Committee; but it has not been the practice of the Board of late years to enter into any such arrangement, because they found their intentions frustrated by the churchwardens applying that money in aid of the expenses of the church.

396. Mr. *Liddell.*] Is it the habit of the Board to stipulate for the erection of a parsonage house in all cases?—No.

397. *Chairman.*] Have the Board at all proceeded to put in force the powers possessed under the Act of last Session for the union of benefices?—They have had one application only on the subject, and one which they could not deal with, in consequence of interments having taken place under the church. There is an express clause as to that in the Act. The church referred to is the church of St. Benet in Gracechurch-street.

398. Do the Board in any case give compensation for the loss of fees?—Some years ago they made compensation to parish clerks for loss of fees, but there are only

only two cases extant; one of them to the parish clerk of Kensington, and the other to a clerk or sexton of a parish in Devonshire.

399. Then in all these cases, where it is settled that the fees shall eventually revert to the incumbent of the district church, no compensation is contemplated to the incumbent of the mother church?—None.

400. Or to the sexton or clerk?—The Board make a suggestion, which is a printed one, to the minister of any new church to which a chapelry district is to be assigned, that he and the incumbent of the old church should promote an agreement between the clerks and sextons of the old and new parishes or districts, as the case may be; that the clerk of the new church should act as the deputy during the period of the old parish clerk holding his office.

401. Viscount *Ebrington.*] Do you know what arrangements have generally been made with regard to the division of fees between the deputy clerks and the clerks of the mother churches?—I do not. There is no power in the Board to make any order with regard to the sextons; but a parish clerk, I apprehend, has a vested right in his office, and is entitled to the fees.

402. *Chairman.*] The appointment of the clerk and sexton, I think, is always in the incumbent?—The 58 Geo. 3 expressly provides that the appointment of the clerk shall be in the minister of the new church; nothing is said with regard to the sexton. In fact, in some of these new districts there is no burial-ground extant.

403. Are there many cases in which the fees have been diverted, or have been alienated from the incumbents of the mother churches, on the avoidance of them; has the provision come into effect in many cases?—In the Table which I have handed in, 332 have already been diverted, and those marked by a double line are falling in by degrees.

404. But this is only with regard to district chapelries; with regard to consolidated chapelries, all the fees are to fall in?—That is provided for by the Act.

405. Are there many cases of consolidated chapelries where all the fees have fallen in?—I have no means of informing the Committee how many vacancies may have occurred since those several districts were formed; but the number of districts is 118.

406. Do pew rents form the only endowment of district chapelries in most cases?—In many instances they do form the only endowment, and I should say in a very large majority of those 651 named in the printed Summary of Districts assigned.

407. Viscount *Ebrington.*] Are they found to be a tolerably ample provision in some cases?—I should say very ample in many cases; in all the populous districts very ample.

408. Mr. *Gladstone.*] In all the populous districts without exception, or in all the populous districts containing a considerable number of the wealthier classes?—In the wealthier towns, such as Cheltenham, Brighton, and London.

409. You would not say all parts of London?—No, I am sorry to say not. The Committee, perhaps, will allow me to mention the case of Christ Church, Craven Hill, in the parish of Paddington, which has lately been consecrated. This church was built by a grant from the parish, and by subscriptions; and a very considerable sum was advanced by or on a security given by the present incumbent. An income of 1,400 *l.* or 1,500 *l.* a year is derived from the pew rents, and I think it possible that if it had not been for that income, this clergyman would not have come forward in the way that he has done; but he may borrow money and insure his life for the sum invested, and yet get a very good return for his money.

410. Viscount *Ebrington.*] Do you think that the amount of these pew rents in districts of that sort depends very materially upon the personal qualifications of the incumbent, or do you consider that in districts of that kind, any incumbent who did not raise any particular prejudice against himself, would be likely to receive a fair income from pew rents?—I think in a large and populous district like the one in question, the church would in all probability be filled, but I think that the subscriptions in aid of the erection of that church depended very much on the exertions of the incumbent, and the knowledge he had of his parishioners.

411. But the church being once built, do you think that pew rents might in some cases be pretty reasonably looked to as a sufficient provision with the average of incumbents?—I think so, in localities such as the one named.

T. Beacheroft, Esq.

28 February 1856.

412. *Chairman.*] Do not you think that pew rents as a sole source of endowment, put an incumbent very much in a dependent position upon his congregation?—The income may depend more or less on the powers and popularity of the incumbent, but would not affect his position in other respects.

413. But practically, does not it in some instances limit his liberty of action, through the fear of offending some of his parishioners, and thereby losing his pew rents?—I should think not.

414. You do not think that there are any cases of that sort?—Pew rents may be affected to a certain extent; if the clergyman is not liked so many pews may not be taken, but nothing beyond that.

415. Mr. *Pellatt.*] Do you think that the hold upon the affections of the people which the minister has is in a great measure the ground of hope of an ample revenue from pew rents in large districts?—I think the more popular a minister is in a district the more likely his pews are to be filled, and therefore his income to be affected by it; I also think that the more popular the incumbent of a parish is, or any minister who has been brought into that parish to serve the new church, and invite subscriptions towards the erection of that church, the more likely he is to obtain large subscriptions; and I think it desirable that the clergy should have that influence over their parishioners in procuring subscriptions towards the erection of a church which they now possess under the existing Acts.

416. Viscount *Ebrington.*] But the amount of pew rents being regulated in each of the newly constituted parishes, as I understand from you, by the Commissioners, the laws of supply and demand do not operate to their full extent, and therefore the income would not fluctuate as if the prices of pews were raised in the case of a popular preacher, and lowered in the case of a less popular preacher?—The Church Commissioners are exceedingly desirous to avoid any competition of that sort.

417. Sir *S. Northcote.*] Is there ever any difference made in the provision for the scale of pew rents as between inhabitants of the parish and those who are not inhabitants?—I recollect one or two cases in watering places where there has been a different scale for a pew taken for a whole year, and for parts of a year; but it is by no means general; I do not suppose that more than four or five cases of that kind have come before the Board.

418. In the metropolitan churches, does it not frequently happen that pews are taken by persons who are resident beyond the district assigned to the church?—The Church Building Acts provide that pews shall be let to parishioners only. In the case of one of the chapels in Chester-square or its immediate neighbourhood, application was made to me to know whether a gentleman was entitled to a sitting, being an inhabitant of the district; whereas a non-inhabitant of the district held a sitting; I told him that as the gentleman was a parishioner of St. George's, Hanover-square, he could not be dispossessed of his sitting."

419. But am I to understand you, that supposing there is not a sufficient number of parishioners claiming pews and willing to rent them, non-parishioners may not rent pews?—Under those circumstances the Church Building Acts provide expressly that non-parishioners shall have the power of taking the pews.

420. After a non-parishioner has taken a pew, if a parishioner should desire one, has he the means of dispossessing any non-parishioner?—I think that at the next annual period of letting pews such would be the case, but not until then.

421. Under what provision do you think that that would be so?—The Church Building Acts state that pews shall be let to parishioners only; and I think, therefore, under those words the churchwardens or the parties letting the pews would have the duty imposed upon them of providing first for the parishioners.

422. Mr. *Gladstone.*] Do the Acts expressly provide for the case where the demand from the parishioners is not sufficient to occupy the whole space, and where, therefore, it is legal to let it to non-parishioners?—The 32d section of 59 Geo. 3 provides that pews shall be let to parishioners only, and not sold by auction, and the rents payable in advance.

423. That does not provide for the case of non-parishioners in the instance put by my question; is there any provision in the Acts for letting to non-parishioners those seats which may not be required for parishioners?—There is such a clause. It is the 24th section of 3 Geo. 4, c. 72, which

is

is as follows: "Be it further enacted, That in every case in which rents shall have been fixed upon the pews in any church or chapel under the provisions of the said recited Acts for the purposes therein specified, notice shall be given for six successive weeks at the end of each year of all the pews which are vacant, or which will become vacant at the commencement of the next year, by affixing the same in writing upon the doors of the church or chapel, and vestry-room thereof respectively; and all such pews as shall not be taken at the rent respectively fixed thereon, within fourteen days after the commencement of the ensuing year, shall in every such case be let to any inhabitant of any adjoining parishes or places in which there shall not be sufficient accommodation in the churches and chapels of the parish or place for the inhabitants thereof, at the rent respectively so affixed upon such pews, for any term not exceeding the end of the year; and at the expiration of the year, and also of every succeeding year in which any such pews shall be rented by inhabitants of any adjoining parishes, such pews shall be inserted in the list of vacant pews, to be taken in preference by the inhabitants of the parish or place to which the church or chapel shall belong; and all such pews as may not be so taken by any inhabitant of the parish or place may again be let, and so on from year to year, to any inhabitants of any adjoining parish or place."

424. To what class of churches does that apply?—To all churches to which pew rents are affixed, viz., those in aid of which the Board have made a grant.

425. *Chairman.*] And also private-patronage churches?—No; patronage churches are governed by the 4th section of the 1st & 2d of William the Fourth.

426. Is there not such a section in that Act?—Pew rents under that Act may be altered by the same authority that approves of them or validates them, namely, the bishop. The 1st & 2d of William the Fourth has always been considered as an Act *per se.*

427. But the same regulation is copied in that Act?—It is, but it is to be carried out by another authority.

428. Mr. *Liddell.*] I presume that a private person building and endowing a church, provided the endowment be sufficient, may stipulate that the whole of the seats in the church shall be free in perpetuity, may he not?—There is no objection whatever to it.

429. *Chairman.*] That has been carried out practically?—In many instances.

430. Mr. *Gladstone.*] If a person building a church were to stipulate that the whole of the seats in the church should be free in perpetuity, would there be any power, under the existing law, of providing that the alms of the congregation given from time to time should go in aid of the support of the clergyman?—The Board have no jurisdiction over a church after consecration (and a district being assigned); it would then fall under the jurisdiction of the bishop of the diocese. Under that Act the Board must have a permanent endowment prior to the consecration of the church.

431. Would it be competent to the Board, after having obtained from the builders of the church the endowment stipulated by the Act of Parliament, to agree with the builders of the church that the alms of the congregation collected in the church, should go in aid of the maintenance of the clergyman?—I think that that would be beyond the powers of the Act.

432. Mr. *Liddell.*] Is not the position of many of the anciently constituted chapelries in the north of England a perfectly independent one; were not they separated from the mother church and constituted district chapelries, and have not they all the privileges of mother churches themselves at the present moment?—I believe it is the case in every respect, with the exception of a small fee paid for each marriage to the incumbent of the mother church, which is a kind of quit rent, if the Committee will allow me to use the phrase, paid to the mother church.

REPORT

FROM THE

SELECT COMMITTEE

ON

FORMATION, &c., OF PARISHES BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
14 *March* 1856.

106.

Under 8 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

APPOINTED TO PREPARE

MILITIA ESTIMATES,

FOR THE YEAR ENDING

31 March 1857.

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1856.

Veneris, 13° *die Junii*, 1856.

Ordered, THAT a Select Committee be appointed to prepare Estimates of the Charge of the Disembodied Militia of Great Britain and Ireland, for the Year ending the 31st day of March 1857:—

And a Committee is appointed of,—

Mr. Peel.
Mr. Monsell.
Sir George Grey.
The Judge Advocate.
Mr. Walpole.
Mr. Horsman.
Mr. Ellice.
Sir Francis Baring.
Mr. Beresford.
Mr. Wilson.
Colonel Lindsay.
General Peel.
Sir James Fergusson.
Colonel Dunne.
And all Colonels of Militia.

Ordered, THAT the Committee have power to send for Persons, Papers and Records.
Ordered, THAT Five be the Quorum of the said Committee.

REPORT.

MR. PEEL reported from the SELECT COMMITTEE on MILITIA ESTIMATES:——THAT they had prepared the said ESTIMATES, and directed him to make a Report thereof to The House.

20 *June* 1856.

ESTIMATES:—DISEMBODIED MILITIA.

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA, from 1st April 1856 to 31st March 1857, both Days inclusive.

Numbers, 1856-57.		ESTIMATE to 31 March 1857, 365 Days. £. s. d.	ESTIMATE to 31 March 1856. Nos.	Charge. £. s. d.
15,942	Charge for Raising and Training the Militia, including the Pay and Allowances of the Permanent Staff - - as per Statement, No. I.	176,350 – –	9,661	53,600 – –
504	Charge of Retired Allowances to Officers - - - ditto, No. II.	27,600 – –	520	28,600 – –
37	Charge of Retired Allowances to Local Militia Adjutants - ditto, No. III.	2,600 – –	38	2,500 – –
1,605	Charge of Out-Pensioners of Militia and Local Militia - ditto, No. IV.	22,400 – –	1,697	24,500 – –
18,088	Numbers 1856–57. To be provided, 1856–57 - £.	228,950 – –		
	Numbers and Charge, 1855–56 -		11,916	109,200 – –

Numbers, 1856-57.	No. I.—Detail of the Charge for Raising and Training the Militia, including the Permanent Staff:	ESTIMATE, 1856–57. £. s. d.	£. s. d.	ESTIMATE, 1855–56. Nos.	Charge. £. s. d.
	Raising and Training:				
	Bounty: On Enrolment and Attestation of 20,000 Men, at 18*s.* 6*d.* each - - - - - - -	18,500 – –			
	Bounty payable at the termination of the Training and Exercise of 10,827 Men, at 1*l.* 1*s.* each - - - - -	11,368 7 –			
		29,868 7 –			
	Deduct for Men not Enrolled, and Absentees - -	868 7 –			
	Total for Bounty - - -	- - -	29,000 – –	- -	11,500 – –
	Pay and Allowances of Officers, Non-commissioned Officers and Men:	£. s. d.	£. s. d.		
2	Colonels - at 1 2 6 each per diem	2 5 –	- - -	- - -	2
15	Lieut.-Colonels „ – 15 11 „	11 8 9	- - -	- - -	13
16	Majors - „ – 14 1 „	11 5 4	- - -	- - -	15
106	Captains - „ – 10 6 „	55 13 –	- - -	- - -	90
106	Lieutenants - „ – 6 6 „	34 9 –	- - -	- - -	90
106	Ensigns - „ – 5 3 „	27 16 6	- - -	- - -	90
14	Adjutants - „ – – 6 { 8*s.* on permanent Staff - }	7 –	- - -	- - -	13
4	Ditto (Artillery) „ – 1 – { 9*s.* on ditto - }	4 –	- - -	- - -	3
20	Surgeons - „ – 11 4 each per diem	11 6 8	- - -	- - -	17
6	Assistant Surgeons „ – 7 6 „	2 5 –	- - -	- - -	5
5	Quartermasters „ – 6 6 „	1 12 6	- - -	- - -	4
15	Serjeant-majors „ – – 2¼ { 1*s.* 10*d.* on permanent Staff }	3 5¼	- - -	- - -	14
4	Ditto (Artillery) „ – – 6 3*s.* on ditto	2 –	- - -	- - -	3
182	Serjeants - „ – – ¾ 1*s.* 6*d.* on ditto	11 4½	- - -	- - -	160
22	Ditto - - „ – – 4¼ 1*s.* 8*d.* on ditto	8 8½	- - -	- - -	19
30	Ditto (Artillery) „ – – 4 2*s.* 2*d.* on ditto	10 –	- - -	- - -	14
6	Ditto ditto „ – – 4 2*s.* 6*d.* on ditto	2 –	- - -	- - -	2
116	Ditto - „ – 1 6¼ each per diem	9 1 3	- - -	- - -	100
14	Ditto (Artillery) „ – 2 6 „	1 15 –	- - -	- - -	12
298	Corporals - „ – 1 2¼ „	17 13 10½	- - -	- - -	240
44	Ditto (Artillery) „ – 1 4¼ „	2 19 7	- - -	- - -	26
91	Drummers - „ – – 1 { 1*s.* on permanent Staff }	7 7	- - -	- - -	80
15	Ditto (Artillery) „ – – 3 „	3 9	- - -	- - -	9
9,012	Privates - „ – 1 – each per diem	450 12 –	- - -	- - -	7,852
1,343	Ditto (Artillery) „ – 1 2 „	78 6 10	- - -	- - -	788
9,661		Per diem - £. 721 10 1¼			
		Which, for 21 Days, is -	15,151 13 –¾		
	Add for Training (Extra) for certain Regiments - -	5,050 11 –¼			
		20,202 4 1			
	Deduct for vacant Pay of Officers and Non-commissioned Officers, and of Men not enrolled or absent - - -	4,202 4 1			
			16,000 – –	- -	17,800 – –
11,593	Numbers. Total for Bounty and Pay - - Carried forward - - £.		45,000 – –	9,661	29,300 – –

401 Officers.

11,102 Non-commissioned Officers and Men.

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA, &c.—*continued.*

Numbers, 1856-57.		ESTIMATE, 1856-57. £. s. d.	£. s. d.	ESTIMATE, 1855-56. Nos.	Charge. £. s. d.
11,593	Brought forward	- - -	45,000 - -	9,661	29,300 - -
	Allowances to and Expenses of Adjutants, Surgeons and Non-commissioned Officers employed on the duty of enrolling Volunteers, including the hire of rooms for enrolment and examination when necessary	500 - -	- - -	- -	500 - -
	Allowance to Commanding Officers	80 - -	- - -	- -	70 - -
	Contingent Allowance to Captains of Companies	250 - -	- - -	- -	250 - -
	Allowance to Adjutants as Acting Paymasters and Quarter-masters during the period of training	100 - -	- - -	- -	100 - -
	Beer-money for Non-commissioned Officers and Men	850 - -	- - -	- -	850 - -
	Marching-money for ditto, at 3*s.* each	1,100 - -	- - -	- -	1,090 - -
	Innkeepers' Allowances for ditto, at 1½*d.* a day each, for 21 days	1,000 - -	- - -	- -	2,280 - -
	Conveyance of Officers to and from the place of assembling for Training, including Carriage of Baggage	300 - -	- - -	- -	300 - -
	Forage Allowance for Horses of Field Officers and Surgeons	150 - -	- - -	- -	150 - -
	Allowance to Surgeons for Medicines; £.1. 1. for every 100 effective Rank and File	100 - -	- - -	- -	100 - -
	Mess Allowance, at 1*s.* a day each for Officers	400 - -	- - -	- -	400 - -
	Hire of Ground for Exercise	150 - -	- - -	- -	140 - -
	Expenses of Men left Sick after the termination of Training	100 - -	- - -	- -	100 - -
	Rewards and Expenses attending the Apprehension of Deserters, and the Conviction of Offenders under Militia Acts	150 - -	- - -	- -	150 - -
	Allowance for Purchase of Books, and for the formation of Evening Schools	50 - -	- - -	- -	50 - -
	Allowances to Officers and Men whilst under Instruction of Regiments of the Line, &c., and to Men at Head Quarters	2,000 - -	- - -	- -	3,000 - -
	Allowances to Serjeants and Men of the Line, and to Out-Pensioners when employed as Drill Instructors during the Training	100 - -	- - -	- -	100 - -
	Allowances to Clerks of General Meetings of Lieutenancy	5,500 - -	- - -	- -	4,500 - -
	For Contingent Expenses	470 - -	- - -	- -	470 - -
	TOTAL for Allowances	- - -	13,350 - -		
	TOTAL for Raising and Training	£.	58,350 - -	- -	43,900 - -
	Pay and Allowances of Permanent Staff:				
	134 Adjutants at 8 - a day each	£. 53 12 -			
	28 „ (Artillery) 9 - „	12 12 -			
	59 Quartermasters 5 - „	14 15 -			
	— „ 3 6 „	—			
	134 Serjeant-Majors 1 10 „	12 5 8			
	27 „ (Artillery) 3 - „	4 1 -			
	251 Serjeants 1 8 „	20 18 4			
2,196	„ 1 6 „	164 14 -			
	41 „ (Artillery) 2 6 „	5 2 6			
	254 „ ditto 2 2 „	27 10 4			
4,349	1,225 Drummers 1 - „	61 5 -			
	Per diem	£. 376 15 10			
	Which, for 365 days, is		137,528 19 2		
	Allowance to form Contingent Fund at 6*d.* per annum for each Private borne on Establishment		3,000 - -		
	Medical attendance on the Staff, and their Families		2,000 - -		
	Forage Allowance for Adjutants		5,913 - -		
	Lodging Money for ditto		4,212 - -		
			152,653 19 2		
	Deduct for probable Pay of Officers, Non-Commissioned Officers and Drummers, for the period during which their Corps are embodied		34,000 - -		
			118,653 19 2		
	Deduct for Pay of Non-commissioned Officers not appointed		653 19 2		
	TOTAL for PERMANENT STAFF		118,000 - -		9,700 - -
15,942	Numbers. TOTAL for DISEMBODIED MILITIA	£.	176,350 - -	9,661	53,600 - -

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA, &c.—*continued.*

Numbers 1856-57.		ESTIMATE, 1856-57.		ESTIMATE, 1855-56.	
				Nos.	CHARGE.
	No. II.—DETAIL of the CHARGE of RETIRED ALLOWANCES:				£. s. d.
18	Paymasters (8/ – 7/ – 6/ 3 5/ 3 4/6 1 4/ 7 3/6 – 3/ 2 2/6 1 2/ 1)	3 16 –	1,387 – –	17	1,409 2 –
54	Adjutants (8/ 23 7/ 2 6/ 20 5/ 2 4/6 – 4/ 7 3/6 – 3/ – 2/6 – 2/ –)	17 16 –	6,497 – –	57	6,825 18 –
36	Surgeons (8/ – 7/ – 6/ 13 5/ 9 4/6 2 4/ 10 3/6 2 3/ – 2/6 – 2/ –)	8 19 –	3,266 15 –	37	3,367 4 –
10	Quartermasters (8/ – 7/ – 6/ – 5/ 1 4/6 – 4/ – 3/6 2 3/ 2 2/6 2 2/ 3)	1 9 –	529 5 –	10	530 14 –
292	Lieutenants (8/ – 7/ – 6/ – 5/ – 4/6 – 4/ – 3/6 – 3/ – 2/6 292 2/ –)	36 10 –	13,322 10 –	301	13,770 15 –
7	,, (8/ – 7/ – 6/ – 5/ – 4/6 – 4/ – 3/6 – 3/ – 2/6 – 2/ 7)	– 14 –	255 10 –	7	256 4 –
66	Ensigns (8/ – 7/ – 6/ – 5/ – 4/6 – 4/ – 3/6 – 3/ – 2/6 – 2/ 66)	6 12 –	2,409 – –	70	2,562 – –
14	Surgeons' Mates (8/ – 7/ – 6/ – 5/ – 4/6 – 4/ – 3/6 – 3/ 14 2/6 – 2/ –)	1 15 –	638 15 –	15	686 5 –
7	Assistant Surgeons (8/ – 7/ – 6/ – 5/ – 4/6 – 4/ – 3/6 – 3/ 7 2/6 – 2/ –)	– 17 6	319 7 6	6	274 10 –
		78 8 6	28,625 2 6	– –	29,682 12 –
	Deduct probable Saving by Casualties		1,025 2 6	– –	1,082 12 –
504	TOTAL for Retired Allowances £.		27,600 – –	520	28,600 – –
	No. III.—DETAIL of CHARGES of REDUCED ADJUTANTS of LOCAL MILITIA:				
37	Reduced Adjutants, at 4 *s.* a day each		2,701 – –	38	2,781 12 –
	Deduct probable Saving by Casualties		101 – –	– –	281 12 –
37	TOTAL for Reduced Adjutants of Local Militia £.		2,600 – –	38	2,500 – –
	No. IV.—DETAIL of the CHARGE of OUT-PENSIONERS from the MILITIA and LOCAL MILITIA (as per Particulars annexed.)				
1,575	Militia Out-Pensioners, at various Rates		21,500 – –	1,662	23,000 – –
30	Local Militia ditto		400 – –	35	500 – –
	Add for Non-commissioned Officers of the permanent Staff, to be pensioned		500 – –	– –	1,000 – –
1,605	TOTAL for Out-Pensioners, Militia and Local Militia £.		22,400 – –	1,697	24,500 – –

Estimate of the Charge of the Disembodied Militia, &c.—*continued.*

No. IV.—Detail of the Pensioners from the Regular Militia and Local Militia -

	ESTIMATE, 1856-57.					ESTIMATE, 1855-56.			
				Charge per Diem.			Charge per Diem.		
Regular Militia.	Local Militia.	Rate per Diem.	Regular Militia.	Local Militia.		Nos.	Regular Militia.	Nos.	Local Militia.
Nos.	Nos.	*s. d.*	£. *s. d.*	£. *s. d.*			£. *s. d.*		£. *s. d.*
1	- -	- 2	- - 2	- - -		1	- - 2	—	—
17	- -	- 4¾	- 6 8¾	- - -		20	- 7 11	—	—
529	3	- 5	11 - 5	- 1 3		550	11 9 2	4	- 1 3
38	3	- 6	2 4 -	- 1 6		93	2 6 6	3	- 1 6
1	- -	- 7	- - 7	—		—	—	—	—
40	5	- 8	1 6 8	- 3 4		41	1 7 4	7	- 4 8
44	2	- 9	1 13 -	- 1 6		43	1 16 -	2	- 1 6
83	5	- 10	3 9 2	- 4 2		87	3 12 6	5	- 4 2
695	12	1 -	34 15 -	- 12 -		744	37 4 -	14	- 14 -
1	- -	1 2	- 1 2	- - -		1	- 1 2	—	—
25	- -	1 3	- 11 3	- - -		25	1 11 3	—	—
6	- -	1 4	- 8 -	- - -		5	- 6 8	—	—
13	- -	1 6	- 19 6	- - -		11	- 16 6	—	—
5	- -	1 8	- 8 4	- - -		5	- 8 4	—	—
26	- -	1 9	2 5 6	- - -		28	2 9 -	—	—
- -	- -	1 10	- - -	- - -		2	- 3 8	—	—
1	- -	2 -	- 2 -	- - -		1	- 2 -	—	—
1,575	30	- -	- - -	- - -		1,662	- - -	35	—
For one day - - - - - -			60 11 5¾	1 3 9		- -	64 2 2	- -	1 7 6
For 365 days - - - - - -			22,109 9 10¾	433 8 9		- -	23,463 13 -	- -	503 5 -
Deduct probable Saving by Casualties - -			609 9 10¾	33 8 9		- -	463 13 -	- -	3 5 -
Total - - - £.			21,500 - -	400 - -		- -	23,000 - -	- -	500 - -

REPORT

FROM THE

SELECT COMMITTEE

ON

MILITIA ESTIMATES,

FOR THE YEAR ENDING

31 MARCH 1857.

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1856.

297. .

Under 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

PUBLIC PROSECUTORS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
9 *May* 1856.

206.

Jovis, 14° *die Februarii*, 1856.

Ordered, That the Select Committee of last Session on the Appointment of Public Prosecutors be re-appointed.

Lunæ, 18° *die Februarii*, 1856.

Committee nominated of,—

Mr. J. G. Phillimore.	Mr. Solicitor-general for Ireland.
Mr. Napier.	Mr. Walpole.
The Lord Advocate.	Mr. W. Ewart.
Mr. Miles.	Lord Stanley.
Mr. Philipps.	Mr. Watson.
Mr. Attorney-general.	

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Lunæ 21° *die Aprilis*, 1856.

Ordered, That Mr. Attorney-general for Ireland (late Mr. Solicitor-general for Ireland) be added to the Select Committee.

Veneris, 9° *die Maii*, 1856.

Ordered, That the Committee have power to report their Observations, together with the Minutes of Evidence taken before them, to The House.

REPORT - - - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - - p. x
MINUTES OF EVIDENCE - - - - - - - - - - - p. 1

REPORT.

THE SELECT COMMITTEE to whom the subject of the PUBLIC PROSECUTORS BILL was referred, and who were empowered to report their Observations, together with the Minutes of Evidence taken before them, to The HOUSE; ——HAVE considered the Matter to them referred, and have agreed to the following REPORT:—

YOUR COMMITTEE beg to report to The House, that they have collected a large body of evidence bearing on the subject of the Bill referred to them, from witnesses whose professional eminence and experience entitles their opinion to more than common weight.

The inquiry naturally divides itself into three heads:

1. The state of the law as at present existing in England with regard to the administration of justice in criminal cases, together with the alleged or real abuses which are imputed thereto.
2. The state of the law relating to the same subject in countries where a Public Prosecutor exists, as Ireland, Scotland, and the United States.
3. The propositions submitted to Your Committee for consideration and adoption, their merits and defects.

As regards the first head of inquiry, Your Committee find it stated by Lord Brougham, in his evidence, that "nothing can be more ineffectual than the "provision which the law, and the practice under it, now make for the prosecu- "tion of offences." Q. 3.

It constantly happens that a wealthy person under prosecution buys off the witness. A misplaced humanity, and often a personal delicacy towards parties, has the effect of preventing prosecutions, and thus causing a failure of justice. Lord Brougham agrees in the conclusion of the Commissioners on Criminal Law, to the effect, that "The existing law is by no means as effectual as it "ought to be: the duty of prosecution is usually irksome, inconvenient, and "burthensome; the injured party would often rather forego the prosecution than "incur expense of time, labour, and money. The entrusting the conduct of the "prosecution to a private individual opens a wide door to bribery, collusion, and "illegal compromises." Lord Brougham concurs also with the recorded opinion of Lord Denman, that "our procedure for the purpose of preliminary inquiry is "open to great objection. The injured party may be helpless, ignorant, interested, "corrupt; he is altogether irresponsible, yet his dealing with the criminal may "effectually defeat justice." Q. 7. Q. 14. Q. 52, Eighth Report, 1845.

Lord Campbell states, that in England "the Criminal Law is often most shamefully perverted to serve private purposes. Indictments for perjury and conspiracy are in a great majority of cases preferred with a view to extort money; the same for keeping gaming-houses and brothels. There is no sufficient control over these prosecutions, and the Criminal Law is often perverted to very guilty purposes." Prosecutions for conspiracy are set on foot with a view to get money, and conviction is followed by a compromise; sentence is pronounced, but not carried into effect. Those abuses necessarily flow from the virtual irresponsibility of prosecutors. Q. 639.

Q. 2394. The Attorney-General for England states that cases are often brought to trial which, from being imperfectly got up, break down, and thus cause the acquittal of guilty parties. Many cases are likewise brought into court, where, on account of the trivial nature of the offence imputed, or the deficiency of proof adduced, prosecutions are undesirable. Collusions to defeat justice are frequent; criminal justice is resorted to, in a large class of cases, for the mere purpose of enforcing civil rights. Guilty persons escape at the last moment by making terms with their adversary; often in consequence of a pecuniary
Q. 2396. arrangement. Policemen assume the functions of public prosecutors; a prac-
Q. 2401. tice liable to abuse. There may often be a good case for conviction, and no deficiency of evidence, yet acquittal ensues, because the prosecutor, acting without advice, is not sufficiently informed as to the precise nature of the proof required by law.

Q. 2402. In the existing state of affairs, the attorneys employed by private prosecutors, and sometimes even the counsel, are over-zealous to obtain the professional triumph of a conviction; a fault from which permanent public officers employed for the same purpose would be free.

Q. 2066. Mr. Waddington, the permanent Under-Secretary for the Home Department, gives it in evidence, that the present system (or rather absence of system) is objectionable, from the entire uncertainty existing as to the mode in which a particular prosecution may be followed out; it varies in every borough; the practice of the metropolitan districts is different from that of the counties. It is irregular and anomalous; but witness is not prepared to state from facts
Q. 2128. within his cognisance that there is any general failure of justice, though from the irregularity of the system such might be expected.

From Mr. Ellis, Recorder of Leeds since 1839, the Committee learn that a change of system has taken place in that borough in consequence of dissatis-
Q. 177. faction being felt at the manner in which prosecutions were conducted; this dissatisfaction has ceased since the introduction of the new system.

Mr. Greaves, Q.C., the editor of a work on Criminal Law, speaks of the want of responsibility in the management of prosecutions, as leading to
Q. 273, 274. immense public evil. Felonies are often committed without its being the personal interest of any one to prosecute. No means exist of originating inquiries, unless some person be so far suspected as to justify a charge before the magistrates. Charges made are often improperly dropped or compromised
Q. 276. before coming to trial. Further, in serious cases, when investigations before the magistrates take place, some superintending mind is wanted to help in eliciting
Q. 277. the truth. Mr. Greaves thinks that means should be taken to prevent the mismanagement of cases by a low class of attorneys, into whose hands they are apt to fall. He objects to prosecutions being conducted by police officers or constables; these functionaries having definite duties to which they ought to be
Q. 278. limited. Witnesses are insufficiently examined before the grand jury, which is one chief cause of bills being so frequently ignored.

Mr. Straight, Deputy Clerk of Assize on the Home Circuit, testifies that, in London, a great majority of prosecutions are actually conducted and brought
Q. 492. into court by policemen; a practice to which he conceives the greatest objections exist. As proof that prosecutions are often left in improper hands, he alleges the case of a man accused of murdering his own child, and who was acquitted, the party instructing the counsel and employing the solicitor being his own wife.

Mr. Markland, a solicitor employed to manage prosecutions in Leeds, bears witness to the causes of the system described by Mr. Ellis being adopted in that borough. He states, that abuses practised by members of his profession had been numerous; there was a constant scramble for the management of prosecu-
Q. 872, 873. tions; and also, that police officers had been in the habit of taking fees from the attorneys, the latter hoping that by this means the prosecutors might be induced
Q. 712. to give them a retainer. The appointment of responsible prosecutors has worked well: though private parties have the option of conducting the prosecution at their
Q. 720. own expense, this permission has only been taken advantage of in two cases.

Mr. Trafford, stipendiary magistrate for the division of Manchester and Salford, states that in the county with which he is officially connected, prosecu-

tions

tions were open; they were very carelessly conducted; the attorney who had the conduct of them turned out to be a disreputable person; in one case, the sum paid as costs to witnesses was embezzled by him. Q. 971, 972.

Mr. Preston, a solicitor, who was employed to examine expenses on the Oxford Circuit, speaks of very corrupt practices going on under the existing system. The expenses of prosecutions are much larger than they need or should be; frivolous and groundless prosecutions are common; he has known instances Q. 1148.
where they had been used as a means to extort money; corrupt practices are Q. 1145. 1149.
not unknown between attorneys and policemen; costs paid to attorneys on behalf of witnesses have been fraudulently kept back; at Stafford, at the last Spring Q. 1262.
Assizes, 93 prisoners were committed for trial, of whom 54 only were convicted; a result, in witness's opinion, attributable to gross misconduct. So also in the county of Berks, same date, of 51 prisoners committed only 34, or two-thirds, Q. 1266.
were convicted; and on the Oxford Circuit generally, out of 426 committals, 135 persons escaped. He ascribes this result to the prosecutions being either improper in themselves, or improperly got up; and in the case of Stafford, to the police being under pecuniary inducements to bring forward charges on insuf- Q. 1279, 1280.
ficient grounds. It is notorious that policemen are there found to act in league Q. 1295.
with low attorneys, and that prosecutions depend very much on a conspiracy between them. There is often a needless accumulation of evidence, the sole Q. 1299.
object being to swell the costs.

Captain Hatton, chief of constabulary at Stafford, confirms the statement of the last witness as it regards that place. He has been obliged to interfere to Q. 1319.
prevent collusion between the constables and certain solicitors, from whom they were in the habit of receiving money. Q. 1695.

Mr. Hobler, a solicitor, corroborates the statements of other witnesses Q. 1699.
as to the escape of guilty parties by collusion, owing to the want of a responsible prosecutor. The present system is better administered than it used to be, but prosecutions will nevertheless fall into the hands of unfit and disreputable persons. It is a disadvantage to the poor man applying for redress of an injury sustained, that solicitors cannot afford to take up prosecutions where the expenses are likely to be considerable. In such cases Q. 1732.
a failure of justice ensues.

Others of the witnesses examined before Your Committee have testified in terms, more or less general, to the abuses here indicated; but their evidence does not materially vary from that already recapitulated. No witness has directly contradicted, or even expressed more than a very modified dissent from, the views of those who have been cited as regards the expediency of some change in the administration of the criminal law.

Your Committee will now proceed to deal with the second head of inquiry, namely, the specific proposition to them referred, the appointment of official Public Prosecutors. And first, it seems expedient to call attention to the statements of various witnesses as regards the system on which prosecutions are conducted, both in other countries, and in portions of the British empire.

The American practice has been fully and clearly explained by Mr. H. E. Davies, a barrister of long experience and considerable eminence in the State of New York.

According to Mr. Davies the State is divided into 56 counties; in each of these Q. 533.
counties there is an officer, who is called the district attorney; the duty of these officers is to conduct all criminal prosecutions arising within their respec- Q. 539.
tive counties; they fulfil the functions both of counsel and attorney; they sometimes attend investigations before the magistrate; they act as legal advisers Q. 605.
to the grand juries, who consult them on questions of law in cases of great magnitude; they often allow to be associated with them the counsel of the party who has been wronged; but this is a matter of courtesy only; they are subordinate to the Attorney-general of the State, from whom they sometimes obtain assistance; their salaries are large; the officer for the county of New York receives 1,000*l.* yearly; has a deputy, clerks, and an office; the appointment is regarded as one of high professional distinction. The existing Q. 576.
arrangements by which a district officer is appointed for each county date from 1821, previously to which the State was divided into four districts, each having a district

a district attorney of its own; a system which originated with the organisation of the Government in 1777. The district attorneys were appointed from 1821 to 1846 by the county courts of each county; since 1846 they have been popularly elected; they hold their offices for three years, and, if efficient, are usually re-elected.

Q. 578.
Q. 587.

The Lord Advocate of Scotland, a Member of the Committee, describes the Scotch system as follows: "The system proceeds upon the principle that it "is the duty of the State to detect crime, apprehend offenders, and punish them, "and that independently of the interest of a private party. The Scotch "system acknowledges the right of a private party to prosecute; but the "duty of the public prosecutor is altogether irrespective of that. The staff, "if I may so call it, of the public prosecutor is as follows: the Lord "Advocate is the head of the criminal department; under him he has four "advocates-depute, and these do the business that a barrister properly does "in criminal cases; their duty is to advise in the proceedings while they are "going on, in the collection of evidence in the country, and when the evidence is "completed, to draw the indictment, and to attend the trial, and take the ordinary "part in procuring a conviction. The Solicitor-general is also, in his criminal "capacity, a depute of the Lord Advocate; he holds a deputation from the Lord "Advocate as such. There is a Crown Agent, who is the Crown attorney of the "Lord Advocate, appointed by him, and subject to his orders, and removable with "the Lord Advocate; he is a political officer, and he goes out of office with the "Lord Advocate; but the Crown-office is permanent, and consists of a considerable number of clerks, who are not changed in practice with the "Government; the advocates-depute do go out with the Government; so that "the political staff substantially consists of the Solicitor-general, appointed by "the Crown; the advocates-depute, who are appointed by the Lord Advocate, "and the Crown Agent. The means of detecting and punishing crime in the "country consist, in the first place, of the procurator fiscal; there is a procurator fiscal for each county, and a procurator fiscal for some of the larger "boroughs. In the counties he is appointed by the sheriff, in the boroughs "he is appointed by the town council, but he is directly under the orders "of the Lord Advocate and his deputes. The mode in which the system "operates is this. The procurator fiscal receives information that a crime "has been committed; his duty is to make immediate inquiry; if any person "is suspected, he applies to the sheriff for a warrant to apprehend him; he "does apprehend him, and the party is taken before the sheriff for examination, "and upon that occasion the declaration is taken; the party is cautioned that "he need not speak unless he likes, and then he is asked by the procurator "fiscal, in the presence of the sheriff, any questions which seem to be material; "and his answers are taken down and may be used against him in evidence. "Then, if there appears to be ground for an immediate warrant to commit, he may be committed at once; the usual course is to commit him "for further examination, and then the procurator fiscal takes what is called "a precognition; that is to say, he examines the witnesses whom he can "discover, not publicly but privately; they are not properly depositions, but "they are statements taken down by the fiscal and signed by the witnesses; "and if the case is at all of importance to warrant it, he sends this precognition "to the Crown Agent. The witnesses may be examined on oath, but this is not "usually done, unless the witness is reluctant. The precognition is sent by the "Crown Agent to the advocate-depute of the district in which the crime has "been committed; it is his business to read it over, and if he is satisfied, may "order no further proceedings, or he sends down to the fiscal to have the party "committed until liberated in due course of law, if that has not been already "done, and proceeds to indict; but if the advocate-depute is not satisfied, "he either sends it back to the fiscal for further investigation, or he comes to "consultation with the Lord Advocate. We meet twice a week, and where the "advocate-depute has any difficulty, he brings it to consultation, and in that way "great uniformity is obtained both in prosecuting and in the preliminary proceeding. Then the question is, where the party is to be tried? He may be tried "before the sheriff, or before the circuit, or before the High Court of Justiciary. "If it is a small offence, such as an ordinary theft, the general course is, to send "the party to be tried by the sheriff, either with or without a jury, and then the "procurator

Q. 111.

" procurator fiscal attends and prosecutes. If, on the other hand, the party is an " old offender, and he is indicted at the circuit, the advocate-depute attends. If it " is a serious offence, or committed within the home circuit, he is tried before the " High Court of Justiciary; and in that way it appears to me that the machinery " works remarkably well. How it would do upon a larger scale I can hardly say; " but from Scotland being limited in extent, so far as my experience goes, I think " it answers all the objects of such an institution very well indeed. I can say, " from my own experience that it operates fully as much in the protection of " innocent persons against unfounded accusations, as it does in the detection of " crime; and for my own part, I think that the want of publicity in the first " examinations, if you have, as we have, a sufficient check in the superintendence " such as I have described, tends very much indeed to the detection of the guilty: " and I do not believe that our procurators fiscal would think it any advantage to " have the witnesses examined in public; that is the system which we follow. These " consultations which we hold twice a week have been found to be of very great " advantage, because they methodise the law; and I think the whole criminal pro- " cedure is now reduced into a very uniform and good system." And in answer to further questions, the witness states, that the procurator fiscal is usually a leading attorney in the county town; that he is paid by salary in some cases, by fees in others; the advocates-depute are four, besides one for the Sheriff's Court; they are practising barristers, and reside in Edinburgh; in the event of the advocate-depute refusing to prosecute, there is an appeal to the Lord Advocate, who thereon orders him to report upon the case. It sometimes happens that on such inquiry the advocate-depute has altered his judgment, and the suit has gone on; sometimes also, but very rarely, prosecutions by private parties take place. Expenses of prosecution are paid almost entirely by the Treasury; such expenses are rigidly kept down. Q. 122. 136. Q. 147, 148.

The proportion of convictions to acquittals is much greater in Scotland than in England; the system gives general satisfaction. The advocates-depute retire on every change of Government. Witness does not hold that the amount of patronage which the system vests in the Crown has an unfavourable effect on the independence of the Bar. Q. 154. Q. 165.

The arrangement made for the carrying out of criminal justice in Ireland is thus described by Mr. Napier, formerly Attorney-General for Ireland, and a Member of the Committee:— " It is founded on the principle, which I think " is a right one, that the Executive Government is properly, and I would say " primarily, charged with the security of society; that the security of life and " property belongs peculiarly to the Executive Government, and that all prosecu- " tions ought to be conducted by responsible public officers. The way that we " manage it in Ireland is this: the Attorney-general is at the head of the depart- " ment; then there are a number of Crown solicitors; there is a Crown solicitor " for the Dublin district, and there are Crown solicitors for each of the circuits; " they are appointed by the Lord Lieutenant, but they hold their office during good " behaviour; and though they are appointed by the Lord Lieutenant, he generally " consults with the Attorney-general as to their appointment. Then, in addition " to the Crown solicitors, there are what are called sessional prosecutors in every " county; they are appointed by the Attorney-general. Then there are counsel " on each circuit, who represent the Attorney-general; generally one or more " leading counsel, who are Queen's counsel; and in addition, there are others " who have general practice; but on every circuit there are two or more, who " conduct all the prosecutions. The prosecutions at the quarter sessions are con- " ducted by the sessional prosecutors, who, I believe, are always solicitors, and they " take charge of that class of cases which goes to the sessions; but the other cases, " which are generally of a more important description, and go to the assizes, are " under the care of the Crown solicitor, with the counsel who are appointed by the " Attorney-general. They do not, however, go in and out of office with the " Attorney-general; that has always been the usage. When the Attorney-general " comes in, he finds them there, and does not disturb them. He sometimes " makes some new arrangements, or adds two or three supernumeraries, but they " are not supposed to go in and out with the Attorney-general. When a vacancy " arises by resignation, or some other cause, whoever is the Attorney-general for " the time being exercises his discretion in appointing a proper person. The way " the business is managed is this. When informations are taken through the Q. 1818.

" different localities, the magistrates distribute them between the sessions and the " assizes, and those which are intended for the assizes are sent to the Crown " solicitor of the circuit, according to what locality they arise in. Then he at " certain intervals makes them up, and he submits them to the Attorney-general " for his direction; so that every set of informations in each case is submitted " to the Attorney-general, and he considers them. He then states his opinion " whether it is a fit case for the Crown to prosecute. Of course it depends upon " the kind of opportunity which he has of giving attention to it; but his duty " is, on reading each case, not merely to signify whether the Crown should pro- " secute or not, but to point out where there are deficiencies of evidence, and " matters which may occur to him in that way, so as to get the case made more " complete where he thinks it can be done. Those cases which are marked by " the Attorney-general to be prosecuted are taken charge of by the Crown " solicitor; and when the circuit time comes he has the proper bills prepared, " and the briefs given out to his counsel on the circuit, who exclusively attend " to them. The cases which the Attorney-general does not interfere with, the " private prosecutor may take up, as is done in some instances. It is not very " usual, because it is considered that the case, having been rejected by the " Attorney-general, he does not deem it a fit case, or one with sufficient mate- " rials for a prosecution; however, it is open to the private prosecutor, and I " have known cases so conducted by the private prosecutor."

It appears, also, from this evidence that the sessional prosecutor is an attorney; he is paid by a salary, witness thinks inadequately; the theory of the Irish practice is, that the Attorney-general conducts every prosecution either personally or by some one whom he appoints, and for whom he is responsible; this nominee exercises all his powers; according to the system of Ireland, from the moment a crime is committed there is some public officer who has it in charge to see that justice is administered. Witness, while approving the general system, suggests many reforms in detail, such as the appointment of one Crown solicitor for the whole of each circuit to conduct assize cases, while the sessional prosecutor should remain, as at present, a local person. With reference to the general principle of the system, witness states that it can be made favourable to the improvement of the Bar; that though susceptible of considerable improvement, it works well; that it effectively checks collusion or compromise, and that no unnecessary expense is incurred.

Q. 1832.
Q. 1833, 1834.
Q. 1842,
Q. 1848,
Q. 1853.
Q. 1858.
Q. 1864.

Your Committee are unanimous in thinking that the state of things referred to in the foregoing evidence is greatly defective, and urgently requires amendment.

Your Committee have proceeded to consider the plan by which such amendment may best be effected.

The subject divides itself into two branches: 1. The preparation of cases for trial; 2d. The conduct of cases at the trial.

As regards the first, we recommend that agents shall be appointed, one to each of a certain number of districts, for the purpose of preparing and conducting prosecutions to the time of trial, as hereafter mentioned. We propose that these districts shall be as co-extensive with the jurisdiction of the existing county courts as may be, regard being had to the integrity of counties.

We further propose that the district agents shall be attorneys of not less than seven years' standing; that they shall devote their whole time to the duties of their office, abstaining altogether from private practice; that they shall be paid by salaries of 700*l.* a year each, and 80*l.* a year for a clerk; that the appointment shall be vested in the Secretary of State for the Home Department for the time being.

The duty of such district agents should be to prepare and conduct prosecutions through the stages preliminary to trial. Where it comes to their knowledge that an offence has been committed, and that no steps have been taken to bring the offender to justice, it will be their duty to take the necessary steps for apprehending or for otherwise bringing the offender before a magistrate; or if the party have already been apprehended, and the case is one of any difficulty or importance, it will be their business to intervene, and take upon themselves

themselves the further conduct of the prosecution. It will be their business to collect and prepare the evidence; to see that the indictment is properly prepared and brought before the Grand Jury; to attend before them, if required; and to prepare the brief and instruct Counsel at the time of trial: in other words, to discharge all those duties which are now undertaken by an attorney in the conduct of a private prosecution.

It is obvious that in the greater number of cases brought before magistrates for minor offences, the intervention of these officers in the earlier stages may be unnecessary. If the case is plain and the evidence complete, the magistrate will have no difficulty in dealing with it, and in committing the prisoner; it would here be unnecessary to call in the assistance, or to occupy the time, of the district agent. But in more important and difficult cases, which have been brought before magistrates without the aid of the agent having first been sought, we think the magistrates should have the power to call for the intervention of the agent, with a view to the further conduct of the prosecution. In either case we think that when the prisoner is committed for trial, the depositions should be transmitted to the district agent, and upon him should rest the duty and responsibility of taking the case to trial, and of transmitting the depositions to the judge, or other person presiding at the trial. In cases of difficulty, the agents should be instructed to communicate with the advising counsel, the appointment of whom Your Committee will presently proceed to recommend.

There can be no doubt that in cases of a more difficult and complicated character the district agents would frequently require the advice and assistance of counsel. We recommend that there shall be appointed for each circuit a counsel of not less than 10 years' standing, who shall be the advising counsel for that circuit; that to him the agents for the districts within that circuit shall resort for advice and directions in all cases of more than ordinary difficulty. And as it appears to us that any scheme for conducting public prosecutions should center in the Attorney-general, as the State prosecutor, we recommend that these advising counsel should be instructed to communicate with and act under the directions of the Attorney-general, forming, as it were, the staff of that officer in the administration of Criminal Justice.

It further appears to us that the advising counsel, whose appointment we have just been recommending, may be made available in the second stage of the proceeding, namely, the conduct of the prosecution at the trial.

Your Committee have found great difficulty in dealing with this part of the subject. While, on the one hand, they think that any scheme which does not provide for the efficient conduct of the prosecution at the important and critical period of the trial, must necessarily be defective, they, on the other hand, are disposed to give weight to the apprehensions entertained by persons high in authority, that the concentration of all the business of prosecuting counsel in a few hands would tend to impair the independence of the Bar, and would deprive the junior members of the profession of a school for commencing the practice of their profession, and of the opportunity of emerging from the obscurity of its earlier stages.

Your Committee have thought it advisable to take a middle course. They would recommend that, as regards the ordinary and less difficult business, the present practice as to the employment of counsel should not be departed from; that at the Sessions the choice of counsel should be left to the district agent, subject to instructions which will presently be referred to; that, in like manner, at the assizes, in ordinary business, briefs shall be delivered to the counsel practising in the Criminal Court in each particular district, according to the best opinion which the agent shall be able to form of their competency and fitness; with strict injunctions, however, to the agents (and which it should be incumbent on the Attorney-general to see enforced), that the selection of counsel shall be honestly and conscientiously made with a view to the public service, and not from any desire to promote the interest of particular individuals.

Thus much for the ordinary business, in which the employment of a single counsel would be sufficient. In more difficult cases, in which it might be

deemed necessary to employ a leading counsel, Your Committee would recommend that the advising counsel for the circuit should be employed *ex officio*. The advising counsel should also be applied to in all cases of difficulty by the agent, who should be bound to act according to his directions; and it should be competent to the advising counsel to intervene *ex proprio motu* in all cases in which he might deem it necessary to interfere in the conduct of a prosecution on the trial.

We should propose that the counsel employed at the sessions, or as junior counsel at the assizes, by the district agent, should be paid, as at present, by fees.

With reference to the advising counsel, we recommend that they should be remunerated by salaries; but inasmuch as their whole time would not be occupied by the duties we propose to entail on them, and as we do not, therefore, think it necessary to stipulate that they shall abstain from ordinary practice, we are of opinion that a salary of 500 *l.* a year in respect of all services, both of advising and conducting causes, would be a fair and reasonable remuneration.

As these counsel are to act as the assistants and under the immediate control of the Attorney-general, who is to be responsible for the working of the system, we are of opinion that they should be appointed by that officer.

Once appointed, we recommend that they should not be removable unless by the concurrent decision of the Secretary of State for the Home Department and the Attorney-general.

Your Committee would not, however, go the length of advising that individuals instituting prosecutions should be prohibited from employing their own attorneys and counsel, and be compelled to resort exclusively to the Public Prosecutor. We think it should be left open to the private prosecutor to pursue the ordinary course, as at present practised; but with a view to prevent the compromises which the evidence we have taken shows are sometimes resorted to for purposes of private interest, and to ensure the effective administration of justice, we would make it compulsory on an attorney employed to conduct a prosecution, to give notice to the district agent of his intention to prefer an indictment, and would give the latter authority to intervene, and, if necessary, to apply to the court for leave to take up the prosecution and conduct it to its close. With the same object we recommend that in cases where the defendant has not been previously taken before a magistrate, no indictment shall be allowed to be preferred without the consent in writing of the Attorney-general having first been obtained; that in all such cases it shall be competent to the Attorney-general in any stage of the proceedings to intervene by himself or by his advising counsel for the district; and that no prosecution once commenced shall be abandoned without the consent of the Attorney-general or such counsel on his behalf. And no verdict for the defendant, taken by consent of the prosecutor, shall, in such a prosecution, enable the defendant to plead *autrefois acquit*, unless the Attorney-general or his counsel shall have given his assent thereto.

There is another point to which the attention of Your Committee has been directed, and on which much useful evidence has been given; the payment of the witnesses called by the prisoner to prove his innocence. Your Committee are of opinion, that with proper checks and safeguards, the expense of such witnesses ought to be allowed; and that this alteration would remove a manifest imperfection in the present system.

That when a prisoner shall have heard the charge made against him before the justices of the peace, he shall be asked what he has to say to the charge; and whether he has any witnesses to speak to facts, in his defence, and if so, the justices shall call them for the prisoner; and should they consider them credible and necessary for the defence of the prisoner, they shall bind them over to appear at the trial, their evidence being added to the depositions; in which case, their expenses shall be paid similarly to the expenses of witnesses for the prosecution; the judge or person presiding at the trial, or the district agent, shall have the like power.

If after every effort has been made by the district agent, and it should appear to him that the evidence procured is not likely to lead to a conviction, he shall make an application to the Attorney-general to forego the prosecution, and upon receiving his assent, shall notify to the prosecutor and witnesses in the case, that they will not be required to appear at the assizes or sessions, before which, had the prosecution been provided with witnesses, they would have been bound to appear.

The attention of the Committee has been called to the great discrepancy which exists in the costs of prosecutions, both in counties and boroughs; and as the whole expense of these is now borne by the public income, they recommend that one set of fees be drawn up by the Secretary of State for the Home Department, applicable to all prosecutions at assizes and sessions in all counties and boroughs.

By the scheme which we have thus pointed out, we are of opinion that an efficient system of public prosecution may be established, and we beg to recommend it to the consideration of The House, as a means for placing the administration of criminal justice on a footing more consistent than the present with the necessities of the existing state of society and the requirements of an enlightened jurisprudence.

9 *May* 1856.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 29° die Februarii, 1856.

MEMBERS PRESENT:

Mr. Solicitor-general for Ireland.	Mr. Phillimore.
Mr. Ewart.	Mr. Miles.
Mr. Walpole.	Lord Stanley.

Mr. PHILLIMORE was called to the Chair.

Mr. *Thomas Puckle*, Mr. *William Henry Bodkin*, and Mr. *William Oakley*, Examined.

[Adjourned.

Jovis, 1° die Maii, 1856.

MEMBERS PRESENT:

Mr. PHILLIMORE, in the Chair.

Lord Stanley.	Mr. Attorney-general.
Mr. Napier.	Mr. Watson.
Mr. Miles.	Mr. Ewart.
Mr. Philipps.	

DRAFT REPORT proposed by the Chairman, read 1°, as follows:—

"Your Committee observe that, according to the theory of the English law, the Crown is the fountain of justice. The powers vested in the Attorney-general enable the Crown to undertake, control, and terminate any criminal prosecution. These powers, however, are rarely exercised, and, some particular cases excepted, prosecutions throughout England and Wales are conducted as if no such officer as an Attorney-general existed; as if the detection of guilt and the security of innocence were no part of those great social interests which the prerogatives of the Crown were especially intended to protect.

83. "The person injured, who, as Lord Denman, when Lord Chief Justice, well observed, in his evidence given before a Committee of this House (and his opinion in this respect is corroborated by Lord Brougham), may be ignorant, foolish, and corrupt, but who must always be irresponsible, is invested absolutely with those functions which immediately concern the most essential interests of society. Elaborate argument is not requisite to point out the probability that grievous evils will arise from such a state of things; that such evils must arise will be obvious to every one who considers the nature of man, and the various motives which, in a state of society so artificial as ours, and amid so dense a population, must be constantly at work, in the absense of any responsible authority, to thwart, impede, and often to frustrate the administration of justice.

"Your Committee will, in the first place, endeavour to point out the effect of the present system; they will refer to those parts of the evidence which establish the facts on which they rely; secondly, they will dwell upon the remedies by which it has been supposed that such evils may be counteracted, and the objections which have been urged against their application.

"The evils, then, of the present system are the first point to which the Committee wish to call the attention of The House. They are serious and undeniable. It appears, from evidence which has been given by persons of unquestionable veracity and long experience, with regard to matters passing under their own eyes, and with regard to which, therefore, it is impossible that they should be mistaken, that the tendency of the present system is, in many instances, to fling the administration of justice into the hands of inferior and often unscrupulous practitioners, in whom the power of allowing the guilty to escape and of harassing the innocent by prosecutions is practically vested. It is proved, by the incontestable evidence to which we shall refer, that in many instances those men, to whom are entrusted the most important functions of the executive government, carry on a scandalous and degrading traffic with those functions, not only by turning the law into an instrument

of

of extortion, by conniving at the escape of criminals in some case, and urging groundless prosecutions in others, but by bribing policemen to place in their hands the management of prosecutions; that many of these persons are in the constant habit of embezzling part of the money paid to them on account of the witnesses; a fact proved in the most direct and explicit manner by the evidence of gentlemen selected by the Treasury to check the growing expense of criminal proceedings. Efforts have been made to put a stop to a state of things so pernicious; in some cases, as at Liverpool and Leeds, by selecting gentlemen paid by a fixed salary to perform the duties of district agent in all prosecutions; in other cases, as at Stafford, by the active interference of the head of the constabulary force, who tells us that he had done his best, by dismissing some of his force and reprimanding others, to put a stop to an evil which he found rank and flagrant at the time of his appointment; an attempt in which he says that he has partially, and only partially, succeeded. In other places the stipendiary magistrates found it necessary to interfere for the same purpose; but that in many populous districts this evil exists unchecked there can be no doubt whatever; nor until some complete change takes place in the system by which it has been fostered does Your Committee think that there can be any reasonable hope of its extirpation. Another most serious evil is the constant failure of justice arising from the careless and perplexing manner in which the evidence to establish the guilt of the prisoner is collected and arranged. It is obvious that such a failure, when a case falls into the hands of men who embezzle money, will not always be accidental; but even where there is no corrupt intention, it must often happen that an irresponsible person will not exert that care, vigilance, and activity in examining witnesses, and drawing up the statement of a case, which are often essential to the detection of crime. This accordingly is a circumstance which has been dwelt upon by witness after witness as among the most obvious of those causes by which, in this country, and in the absence of a public prosecutor, justice is disappointed. Mr. Davies, an American lawyer of great eminence, declared his opinion that the want of a responsible officer for such functions must lead inevitably to such results; and undoubtedly one great function of a public prosecutor, in the opinion of Your Committee, would be to enable the Judge to give effect to the law; to prevent the dangers of incapacity or connivance; to investigate, display, and arrange the proofs by which the matter under dispute could be elucidated. To these evils must be added the fact, that, according to the evidence of Lord Campbell, as well as of many other witnesses, the law is constantly abused for the purposes of extortion; and also that impediment to justice which arises where an injured person, as in the case of a child ill-treated by its stepmother or its master, is unable to defray the cost of prosecution, which the attorney who undertakes it must advance at his own risk. In the case of murder, it often happens that there is no one immediately interested in the prosecution; and in less serious cases, the party injured, if he belong to the humbler walks of life, is often too willing to abandon the prosecution altogether, rather than incur the certain loss of time and possible outlay consequent on attending a court of justice. Mr. Hobler, a solicitor of great experience, says, that he should not undertake a prosecution unless the prosecutor was in a condition to defray his expenses; and he mentions an instance of a person who was ruined by persevering in a prosecution which ended in a conviction. Other witnesses employed in the ministerial duties of courts of justice state, that the practice of Judges as to the allowance of expenses varies considerably, and that they have themselves heard Judges refuse to allow expenses which appeared to them legitimate. It is evident that such a state of things must often confer impunity on guilt even of a very serious kind; that the proverb, "What is everybody's business is nobody's business," will, in some instances, be verified, and that in all cases the injured person, if he takes his case into court, will be animated by a desire of punishing the person who, as he supposes, has done him wrong, rather than by the dispassionate wish to elicit truth, which ought to be almost as much the characteristic of him to whom the task of prosecution is confided as of the Judge himself.

Evidence.

"Lord Brougham, who was the first witness examined, says, the first great evil which exists at present is the ineffectual provision for the prosecution of offenders; nothing can be more ineffectual than the provision which the law, and the practice under it, now make for it. Another evil is, that a wealthy person under prosecution, not only may tamper with the prosecutor, but may buy off a material witness. The appointment of a public prosecutor would materially diminish, without wholly and absolutely preventing, this abuse. A considerable moral effect would be produced by a person holding the station of a public prosecutor. The appointment of public prosecutors would contribute much to the certainty of punishment, and certainty of punishment is the surest barrier against crime.

"Lord Campbell in his examination dwelt emphatically on the difficulties which must attend the introduction of such a system among us as the Bill before us would provide. He stated that he had been deterred, while Attorney-general, from bringing forward the Bill for the appointment of public prosecutors by the consideration of these difficulties. He was aware these difficulties had been overcome in other countries, as in France, Ireland, and Scotland. He was of opinion that criminals often escaped for want of such an officer; that 694.
in Scotland the proportion of convictions when compared with prosecutions was much greater than in England; and that in England the law was often wrested to purposes of extortion. He says, that a question had been brought before the Queen's Bench as to which of two parishes should pay the costs of prosecution where a child had been ill-used. 660.

"Extremely valuable evidence was given on this subject, also, by Mr. Henry E. Davies, a barrister of great professional experience in the city of New York. He told us that in the State of New York there is a local officer in each county of the State (the State being divided into 56 counties), who is called the district attorney; that his duty was to conduct all criminal prosecutions arising in the county of which he was the local officer; that he acts both as counsel and attorney in important cases, attending the investigation before the magistrate; that he is assisted by a deputy and numerous staff of clerks; that the district attorney is assisted in cases of importance by the Attorney-general of the State, to whom he is subordinate. Sometimes the district attorney, in cases of forgery or injury to an individual, associates with himself the private counsel of the aggrieved party; it is his duty to prevent any collusion, which is sometimes attempted, between the criminal and the person injured. The witness stated that without an officer responsible to the public to discharge the duties of the district attorney, he did not understand how criminal business could safely be administered; that in his opinion the want of a public prosecutor must lead to constant failures of justice, and that there has never been a time when such a functionary was not established in the United States.

"The Committee are extremely desirous of calling the attention to the important evidence of Her Majesty's Attorney-general for England. That learned gentleman says, that he has had, both at the Bar and as Recorder (first of Southampton, and afterwards of Bristol), very great experience in the practice of the criminal law; that in his opinion the want of a presiding and adequate authority leads to repeated failures in the administration of criminal justice, from the want of some link in the chain of evidence necessary to support the case; that there are many cases brought into court in which the offence is so trifling, or the proof so defective, that they never should have been brought into court at all; that the consequence to the party accused and acquitted is in many instances a long imprisonment, in all a certain amount of anxiety and degradation; to which must be added the effect produced by the contamination of a gaol on the habits and manners even of the well-disposed. Again, he is of opinion that there are many cases of collusion in which the guilty generally escapes, and that there are a large class of cases in which resort is had to criminal justice for the purpose of enforcing civil rights; an evil insisted upon also by Lord Campbell.

"The Attorney-general also comments upon the 'great scandal' of allowing policemen to bring cases into court. Such a proceeding appears to him inconsistent with the proper administration of public justice. 'I think,' he says, 'it is of the last importance that policemen should be kept closely to their functions as policemen, as persons to apprehend and to have the custody of prisoners, but not as persons who are to mix themselves up in the conduct of a prosecution. I know from my own experience that the case is very often left to the policeman.'

"The Attorney-general among the evils of the present system enumerates the hardship it entails upon the poor, and the danger to which accused persons are exposed from the overzeal both of policemen and attorneys. He says that on two different occasions my Lord Campbell addressed him from the judgment seat, in the solemn and deliberate execution of his duty, pointing out the necessity of a public prosecutor to prevent scandals in the administration of justice. 2394.

2066. "Mr. Waddington says, 'I think the great objection to the present system, or rather the absence of system, is the entire uncertainty in what mode a particular prosecution may be followed out; one system prevails in the metropolitan districts, another system prevails in counties where there are police; there are hardly two boroughs, I believe, in which precisely the same system is adopted, and, generally speaking, I may say that the mode in which a person will be prosecuted who is accused of a particular offence will depend, not upon any general practice established by law, but upon some accident connected with the jurisdiction within which the offence is committed. That may be illustrated, but I dare say the Committee is already in possession of facts which illustrate it;' and that it would be impossible to defend a state of things in which such proceedings between attorneys and policemen, as those described by Mr. Hatton, and Mr. Preston, and Mr. Hemp, were tolerated.

"Mr. Trafford, the stipendiary magistrate of Manchester, a gentleman called at his own request to declare his hostility to the Bill, says, that for want of a public prosecutor, when he entered upon the duties of his office he found great irregularities prevailing, and repeated failures of justice; he found the attorney to whom many prosecutions were entrusted to be a man of bad character, and that he actually embezzled the money with which he was entrusted. 971. 975.

451. "Mr. Straight, deputy clerk of assize on the Home Circuit, says that evils arise from improper persons undertaking the management of prosecutions; as an instance, he alleges 506. the case of a man accused of the murder of his own child, and prosecuted by his own wife, who escaped. He says that he always looks with considerable suspicion upon policemen where costs are concerned; for he always fancies that they take part of the money allowed to witnesses; and yet they are the persons to whom, in the present state of our law, the management of the prosecution in many instances, especially in the metropolitan districts, 508, 509. is confided, as Mr. Straight remarks; adding, that he has the 'greatest objection to the 507. policemen being the prosecutors.'

"Mr.

" Mr. Ellis states that the change of system took place at Leeds in consequence of the flagrant abuses which existed under the old practice.

" Mr. Wilkinson, the town clerk of Walsall, says, that the evils arising from the want of a public prosecutor are very great; that the law is left ' to take its chance; ' and that he has no doubt that many criminals owe their escape (of which he cites a remarkable instance) to that circumstance. ' There is no doubt in the world,' he says, ' that many prosecutions are abandoned in consequence of the poverty of the prosecutor.' 1998.

" Mr. Hobler enters into a detail of particular cases of the failure of justice, and the misconduct of some attorneys; he says that he has no doubt a great number of prosecutions are actually managed by the police. 1714.

" Mr. Horne, clerk of arraigns on the Western Circuit, says, that without a payment by the prosecutor beyond what is allowed by the Treasury a respectable solicitor cannot in many instances be properly remunerated, and that he considers that circumstance a great evil, as it gives criminal business into the hands of improper persons. 2682, 2683.

" Mr. Hemp, the assistant clerk of arraigns at the Central Criminal Court, and deputy clerk of assize on the Oxford Circuit, says, that there is great evil in the present system of criminal procedure; that a private person, besides the allowance he gets from the Treasury, is often obliged to pay his attorney 50 *l.* or 60 *l.*; and he believes that in all the police courts of London, attorneys attend for the sole purpose of getting up prosecutions. He believes that the abuses at Stafford are very serious.

" Mr. Congleton, taxing officer of the Northern Circuit, says, that he has no doubt that some attorneys obtain prosecutions by improper management with policemen; that they bring charges against ignorant persons; that he has often heard the Judge say, ' It is a shameful case, and ought never to have been brought into court.' He has reason to believe that cases often happen where the attorney puts into his own pocket part of the money he has received to pay a witness; that policemen are constantly entrusted with getting up cases; that he considers such a state of things an evil. 2885. 2891. 2897. 2899.

" Mr. Preston, a solicitor, who was employed to examine expenses on the Oxford Circuit, says, that decided frauds take place, and improper management between policemen and attorneys, for want of a public prosecutor; that he has known instances where they have been used as a means to extort money; that he is afraid that where police put themselves in communication with attorneys, there is not only a failure of justice, but that corrupt practices are at work. He mentions a case where 12 distinct indictments were preferred against the same prisoner for the same offence; he was convicted on the first, and the costs of the other 11 were paid. He has no doubt that in many cases the attorney embezzles the money given him to pay the witnesses. At the last assizes at Stafford, he says, out of 93 prisoners committed for trial, 54 only were convicted; he attributes this to gross misconduct on the part of attorneys and policemen. It is perfectly notorious that at Stafford policemen act in league with low attorneys, and that prosecutions depend on a conspiracy between them. 1153. 1169. 1192. 1263.

" Mr. Hatton gives very important evidence to the same effect. He says, that when he first organised the force at Stafford, he found all the constables in the habit of receiving money from attorneys. He gives some valuable statistical evidence, from which it appears, that at Stafford, in 1853, at the assizes, each prosecution cost the county 21 *l.* a head. 1321. 1452.

" Your Committee would also call your attention to the fact, that magistrates' clerks conduct the prosecutions which they recommend; they have, therefore, a direct pecuniary interest in multiplying cases at the sessions and assizes; and when it is recollected that in all cases it is desirable to withdraw from persons appointed to fulfil a public duty every temptation to misconduct, Your Committee cannot think that clerks to magistrates form any exception to so general a rule. Moreover, they observe, that in boroughs, by the Municipal Corporation Act, this power which is exercised in the rural districts, is expressly taken away from them; a proof, among many, of the anomalous, incoherent, irregular, and empirical state of English law.

" Your Committee think that it would be waste of time to expatiate on the evils of such a system. That the investigation of crime should in any way depend on the accident of the wealth of the person injured; that it should be left to the discretion of policemen, men belonging to an inferior class of society, comparatively illiterate, and of course open to temptation; or to attorneys, among whom are to be found many instances of men capable of bribing policemen, and of embezzling money, are circumstances that spread a taint over the administration of justice, and tarnish the honour of the country in which they are tolerated. To say that some of the most important interests of the country are concerned in the abolition of such abuses, is to say what every one who believes the evidence, which on this point is uniform, of Mr. Wortley, Mr. Greaves, Q.C. (whose evidence is most important), Mr. Hatton, the head of the police at Stafford, Mr. Wilkin, a gentleman employed by the Treasury, Mr. Hankin, the law clerk at the Treasury, Mr. Hobler, a solicitor of great experience, Mr. Goodman, chief clerk at the Mansion House, Mr. Wilkinson, town clerk of the borough of Walsall, Mr. Waddington, Under-secretary of State for the Home Department, and Sir James Cockburn, the Attorney-general, will allow.

" Your

" Your Committee now proceed to the examination of the second point, which is, What is the true remedy for these evils? and how can they most effectually be extirpated from the administration of criminal law in this country? On this point Your Committee has been fortunate enough to obtain most direct and instructive testimony. We allude to the evidence of Mr. Napier, late Attorney-general for Ireland, and of the Lord Advocate, in which will be found an accurate and luminous account of the systems which prevail in Ireland and Scotland, and by which, however far from perfection, the scandalous evils which our law has engendered, are at least avoided.

" According to the evidence of these learned persons, the systems prevailing in Ireland and Scotland, by which the management of all criminal prosecutions is vested exclusively and immediately in the Crown and its delegates, does not produce any mischievous effect on the independence of the Bar in those countries, nor in any way diminish its aptitude and capacity for business; nor do these gentlemen think that, to be dependent for the opportunities of distinction and success, at an early period of life, on the favour of such a class of practitioners as that to which the attorneys employed in the distribution of criminal business for the most part belong, can tend in reality to support the dignity and independence of educated men in a liberal profession. Differing upon the precise character of the remedy to be applied, Your Committee are, however, agreed that by the appointment of district agents in the manner suggested by the Bill, many of the evils complained of might be avoided. Some of Your Committee think that a change still more closely assimilating our system to that of other civilised countries would be desirable; but that the task of assisting the injured, of discovering and methodizing the proofs by which the guilt of a criminal may be brought to light, and of taking care that justice shall not be defeated by the connivance or through the poverty of private persons, should be transferred from those who are irresponsible to officers accountable for their conduct to the public, are points on which they are unanimous.

" Your Committee proceed to lay before you the following extracts from the evidence of the English Attorney-general, which, joined to the evidence of the Attorney-general for Scotland and the Lord Advocate, will, they think, point out substantially the antidote to the vices which prevail in our system as it is now constituted.

2408. " The Attorney-general says, ' The remedy which occurs to me would be simply this: with regard to the magistrates' clerks, I may say in the beginning that my first impression was that the magistrates' clerks might be made useful agents for the purpose of prosecutions; but, in the first place, there is this difficulty, that unless you put them on salaries, I think it would never do. However incapable they may be of inducing a magistrate to commit a man for the mere purpose of getting the costs upon the prosecution, still there would always be a suspicion about it in the minds both of the accused and of the public, which I think would be very distressing to them and very undesirable, and I do not think that would do. Occasionally it might, almost unconsciously to the man himself, just make the turning point in a case of any importance, whether the clerk should say 'commit,' or 'do not commit.' At all events, they should be removed from such a suspicion, and they should be put on salaries. In the second place, you could never put them on sufficient salaries; if you were to take the individual items of each clerk's duty, and give him a salary only commensurate to that, you never could confine the clerk's business and duties simply to the functions of magistrates' clerk and public prosecutor; he would therefore always have other business to attend to, and we all know that, generally speaking, the professional business of a solicitor, who is a magistrate's clerk (for they are almost always attorneys in the country), bears a much greater proportion to his whole business than does the business of the magistrates' clerk. I cannot, therefore, help thinking, that if you want to have efficient officers always available for the purposes of criminal justice, you should have persons whose exclusive duty it would be to attend to that branch; unless you have men who are considered as devoting their whole time to it, and who are responsible, in respect of it, to some authority, I do not think you will ever get the thing thoroughly and efficiently done; therefore I should prefer, unless there is some very great disproportion in point of expense, which I do not believe,
2409. district agents to magistrates' clerks.' ' Where you require the intervention of a public prosecutor, I think it would be much better that the district agent, if you had such a person, should be communicated with at once; and my notion of the thing is this, subject to further consideration, that in every case after the first examination before the magistrate, the depositions, so far as they had been taken, might be sent to the district agent. Supposing it is one of those commonplace cases where the magistrate would perhaps say, 'We do not want the district agent at all; I shall commit this man;' then, after the magistrate had decided upon committing him, I think the depositions should be sent to the district agent. Supposing, on the other hand, the case presented any feature of difficulty, I think it should be then the duty of the magistrate or the magistrate's clerk to communicate with the district agent, and that district agent should receive the depositions as far as they had been taken. He should then intervene in the case, and, if necessary, should produce further evidence than that which had been already obtained, either through the private prosecutor or under the immediate direction of the magistrate by a policeman. That having been done, I would have the public agent become the depository of the depositions in every case. In ordinary cases, which are simple and straightforward, and where no further evidence is required, I would have him simply prepare those cases for trial, and take care that at the trial the necessary witnesses are forthcoming, and that the case is conducted to its final termination. Where he entertains any doubt, or finds any difficulty, it should be his duty to communicate

with

with a better class of public agents, namely, what I should propose as counsel, who should conduct the prosecutions for each of those districts. I think you never would be able to do the thing well unless you have for each district, or for each circuit, if you like (diminish the number as much as you possibly can, to limit the expense), counsel with whom the agents could communicate; and if they feel any difficulty, if the case assumes a character of great importance, or there are any difficulties with regard to the evidence or any other matter, such as questions of law, it should be the duty of these counsel to communicate with the Attorney-general *en dernier ressort*. Then there is another thing: if the counsel should be of opinion that there is no case upon which it is desirable to put the man upon his trial, it should not be competent for any step of that kind to be taken without the concurrence and sanction of the Attorney-general; when I say the 'Attorney-general,' I simply consider the Attorney-general as the minister of justice. My own view with regard to a minister of justice is, that it is of the highest importance that we should have such a functionary in this country. There is such a functionary in every other well-constituted country, and I think we ought to have him here; but then my opinion is, that that is a functionary who ought to stand upon a very much higher footing than that of public prosecutor. I think the public 2410.
prosecutor ought to be responsible to him, and under his control. I think that he should not be public prosecutor, and think he should control the whole; that he should have under his charge all that relates to the appointment of judicial functionaries, and to the seeing that the law is in a proper state. Wherever there are any defects, not only in the administration of the law, but in the law itself, it should be his duty to see that all that is kept in perfect order; and if there is anything out of order in the working of the law, it should be his business to see that it is remedied by legislation. Those are the functions of a minister of justice in other countries.'"

Expense.

"Your Committee are of opinion that the public money cannot be more beneficially employed than in providing for the pure administration of justice; therefore even if an alteration in the system were to be followed by additional expense, they should not, if it were made out to their satisfaction that guilt would be thereby more certain of detection, think that circumstance a sufficient objection to any measure that was proposed. But the evidence of those most conversant with this matter tends clearly to show, that by the appointment of responsible public officers, such considerable saving might be effected by stopping frivolous prosecutions, by not calling unnecessary witnesses, and, above all, by paying one man as the attorney at the assizes, instead of the numerous attorneys who are now employed to conduct separate prosecutions, each of whom receives his separate expenses from the public, that in a very short time, if all the officers recommended in the Bill were appointed, the cost of criminal prosecutions would be materially diminished. As a proof of this, it may be stated that the Corporation of Liverpool make a considerable sum yearly, 1,200 *l.*, by the difference between the sum allowed to them by the Treasury for their prosecutions and the sum which they actually pay to the officers which they employ at a fixed salary; and when it is recollected that every barrister is paid his separate fee for conducting prosecutions by the public; that every attorney also receives his allowance from the public; that 20 barristers and 20 attorneys, each of the attorneys receiving money for his attendance, are employed for duties which two barristers and one attorney might easily fulfil, it will not appear extraordinary that if the sums given to so many servants for doing what might be done equally well by a much smaller number, were distributed in a different manner, they would be sufficient, and more than sufficient, for that purpose. 'I believe,' says Lord Campbell, 'that the aggregate expense to put in force the criminal law would not be increased.' Mr. Markland, who 642.
has been appointed by the borough of Leeds to fulfil the functions of district agent, says, 724.
that in his opinion, if the provisions in the Bill were adopted, the expense of criminal prosecutions throughout the country would be diminished. He alleges, in support of his opinion, 725.
that it would be diminished by means of one attorney conducting all the prosecutions, instead of employing 12 or 14 different attorneys for 12 or 14 different cases. He says also, that a considerable saving would be effected by putting a stop to frivolous prosecutions, 727.
and the calling of witnesses, who are summoned merely for the purpose of swelling the costs.

"Your Committee do not think it necessary to enter into any inquiries which rather belong to the province of historical research than to the duties they have been appointed to fulfil. They will only observe, that the want of any fixed principle in a criminal procedure; and to use the words of one of the witnesses, the 'leaving to chance' a matter of such transcendant importance to society as the conduct of prosecutions, may be accounted for in part by that hatred of generalisation which characterises so peculiarly the English people; and in part also by the fact that during the great struggle between prerogative and liberty, questions immediately bearing on the frame and structure of our government, and on the relations of the subject to his ruler, engrossed the intellectual energies which might otherwise have been employed to digest and methodise our municipal institutions. The downfall of liberty at Rome is the cause to which the astonishing superiority of her municipal law must undoubtedly be attributed: the most luminous and powerful intellects having no other scope for their display, were concentrated on that single object. An opposite cause has in England produced an opposite effect; and as our statute book abundantly shows, political struggles have occupied our legislators, while to turn the law as it stands to the best account for their own purposes of ambition or emolument has been the main object of our most distinguished

lawyers. Mr. Burke said, that however bitter his hostility to the government, he had always interest enough with it to get any offence made a capital felony; and with regard to the particular subject of our inquiry, Your Committee must remark as a proof of the prejudices and apathy which still obstruct the improvement of our criminal procedure, that sanguinary punishments for offences now hardly punished with a month's imprisonment, were inflicted down to a very recent period; that Sir Samuel Romilly's attempt to mitigate the unequalled severity of our penal code, was opposed by every judge then on the Bench; and that the preliminaries of trial by battle took place in the sanctuary of English justice in the year 1820, when Lord Eldon was Chancellor.

"Your Committee do not suggest any interference with the functions of the grand jury or with the power of the Attorney-general. To those among them who are of opinion that a comprehensive change, affecting not only the arrangement and discovery of evidence by a responsible officer, but a change reaching to the Bar, is desirable, it nevertheless appears important that the power of instituting a prosecution should still be left to private persons, if the officers appointed by the Crown should decline to undertake it, subject to the consequences, if the prosecution is evidently malicious, which would now await them, and to the costs which would be incurred by such a proceeding. They think that the power of prosecuting ought not, except in the cases of conspiracy and perjury, to be taken away from the subject; and that the existence of such a power will prevent the authority delegated to the public prosecutor from being capriciously exerted, or from remaining inactive when the public interest requires its exercise.

"There is another point to which the attention of Your Committee has been directed, and on which much useful evidence has been given; the payment of the witnesses called by the prisoner to prove his innocence. Your Committee are of opinion, that with proper checks and safeguards, such as the sanction of the judge at the trial, the expense of such witnesses ought to be allowed; and that this alteration would remove a manifest imperfection in the present system. Your Committee cannot forbear to point out the progress of opinion on this subject. In the reign of James the First, the House of Commons, when treating with the Sovereign for the abolition of feudal rights, proposed, as one of the conditions on their side, that the prisoner should be allowed to call witnesses in his defence; this was refused by James, on the ground that it would encourage perjury. Afterwards the prisoner was allowed to call witnesses, but they were not sworn; a fact of which the Crown lawyers and the judges took care to often remind the jury. Afterwards this injustice was removed. And this last measure, which is already the law in America and France, and is practically enforced in Scotland and at Liverpool, will remove the last remnant of an exploded system from our criminal procedure, will put a stop to the complaint often made, and sometimes with truth, in our courts of justice, that the prisoner is too poor to afford to pay for bringing his witnesses from a distance, or keeping them in the town where his trial is to come on, and will prove that the acquittal of innocence is, in the eyes of the English Legislature, as important to society as the punishment of guilt. If the person unjustly accused in a humble class of life can afford, no matter by what sacrifice, to pay for his witnesses, it is hard that the burden should be cast upon him, in addition to the hardship to which he has already been exposed; and if he cannot, it is difficult to conceive a more cruel wrong than he undergoes, who, because he is too poor to prove his innocence, suffers the penalties, and bears for the remainder of his life the brand of convicted guilt.

"Such are the views of Your Committee upon the important subject which they have been appointed to investigate. In conclusion, they express their conviction that an alteration in the present system of administering criminal justice is loudly called for to put a stop to the grave and numerous evils which they have pointed out; and the majority of them are of opinion, that besides the immediate appointment of district agents, which to Your Committee appears to be demanded by the public interest, the appointment of barristers to discharge the functions, as described in the Bill, of a public prosecutor, on the different circuits and at quarter sessions, is desirable.

Draft Report proposed by Lord *Stanley*, read 1°, as follows:—

1. "Your Committee beg to report to The House, that they have collected a large body of evidence, bearing on the subject of the Bill referred to them, from witnesses whose professional eminence and experience entitles their opinion to more than common weight.

2. "To the leading features of this evidence they propose to call the attention of The House; dividing it into such separate heads as may best facilitate the investigation of the subject.

3. "The inquiry naturally divides itself into three heads:

a. The state of the law as at present existing in England with regard to the administration of justice in criminal cases, together with the alleged or real abuses which are imputed thereto.

b. The state of the law relating to the same subject in countries where a public prosecutor exists, as Ireland, Scotland, and the United States.

c. The propositions submitted to Your Committee for consideration and adoption, their merits and defects.

4. "As

4. "As regards the first head of inquiry, Your Committee find it stated by Lord Brougham, in his evidence, that 'nothing can be more ineffectual than the provision which the law, and the practice under it, now make for the prosecution of offences.' Q. 3.

5. "It constantly happens that a wealthy person under prosecution buys off the witness. A misplaced humanity, and often a personal delicacy towards parties, has the effect of preventing prosecutions, and thus causing a failure of justice. Lord Brougham agrees in the conclusion of the Commissioners on Criminal Law, to the effect, that 'The existing law is by no means as effectual as it ought to be: the duty of prosecution is usually irksome, inconvenient, and burthensome; the injured party would often rather forego the prosecution than incur expense of time, labour, and money. The entrusting the conduct of the prosecution to a private individual opens a wide door to bribery, collusion, and illegal compromises.' Lord Brougham concurs also with the recorded opinion of Lord Denman, that 'our procedure for the purpose of preliminary inquiry is open to great objection. The injured party may be helpless, ignorant, interested, corrupt; he is altogether irresponsible, yet his dealing with the criminal may effectually defeat justice.' Q. 7. Q. 14. Q. 52, Eighth Report, 1845.

6. "Lord Campbell states, that in England 'the criminal law is often most shamefully perverted to serve private purposes. Indictments for perjury and conspiracy are in a great majority of cases preferred with a view to extort money; the same for keeping gaming-houses and brothels. There is no sufficient control over these prosecutions, and the criminal law is often perverted to very guilty purposes.' Prosecutions for conspiracy are set on foot with a view to get money, and conviction is followed by a compromise; sentence is pronounced, but not carried into effect. Those abuses necessarily flow from the virtual irresponsibility of prosecutors. Q. 639.

7. "The Attorney-general for England states that cases are often brought to trial which, from being imperfectly got up, break down, and thus cause the acquittal of guilty parties. Many cases are likewise brought into court, where, on account of the trivial nature of the offence imputed, or the deficiency of proof adduced, prosecutions are undesirable. Collusions to defeat justice are frequent; criminal justice is resorted to, in a large class of cases, for the mere purpose of enforcing civil rights. Guilty persons escape at the last moment by making terms with their adversary; often in consequence of a pecuniary arrangement. Policemen assume the functions of public prosecutors; a practice liable to abuse. There may often be a good case for conviction, and no deficiency of evidence, yet acquittal ensues, because the prosecutor, acting without advice, is not sufficiently informed as to the precise nature of the proof required by law. Q. 2394. Q. 2396. Q. 2401.

8. "In the existing state of affairs, the attorneys employed by private prosecutors, and sometimes even the counsel, are over-zealous to obtain the professional triumph of a conviction; a fault from which permanent public officers employed for the same purpose would be free. Q. 2402.

9. "Mr. Waddington, the permanent Under-Secretary for the Home Department, gives it in evidence, that the present system (or rather absence of system) is objectionable, from the entire uncertainty existing as to the mode in which a particular prosecution may be followed out; it varies in every borough; the practice of the metropolitan districts is different from that of the counties. It is irregular and anomalous; but witness is not prepared to state from facts within his cognisance that there is any general failure of justice, though from the irregularity of the system such might be expected. Q. 2066. Q. 2128.

10. "From Mr. Ellis, Recorder of Leeds since 1839, the Committee learn that a change of system has taken place in that borough in consequence of dissatisfaction being felt at the manner in which prosecutions were conducted; this dissatisfaction has ceased since the introduction of the new system. Q. 177.

11. "Mr. Greaves, Q. C., the editor of a work on Criminal Law, speaks of the want of responsibility in the management of prosecutions, as leading to immense public evil. Felonies are often committed without its being the personal interest of any one to prosecute. No means exist of originating inquiries, unless some person be so far suspected as to justify a charge before the magistrates. Charges made are often improperly dropped or compromised before coming to trial. Further, in serious cases, when investigations before the magistrates take place, some superintending mind is wanted to help in eliciting the truth. Mr. Greaves thinks that means should be taken to prevent the mismanagement of cases by a low class of attorneys, into whose hands they are apt to fall. He objects to prosecutions being conducted by police officers or constables; these functionaries having definite duties to which they ought to be limited. Witnesses are insufficiently examined before the grand jury, which is one chief cause of bills being so frequently ignored. Q. 273, 274. Q. 276. Q. 277. Q. 278.

12. "Mr. Straight, deputy clerk of assize on the home circuit, testifies that, in London, a great majority of prosecutions are actually conducted and brought into court by policemen; a practice to which he conceives the greatest objections exist. As proof that prosecutions are often left in improper hands, he alleges the case of a man accused of murdering his own child, and who was acquitted, the party instructing the counsel and employing the solicitor being his own wife. Q. 492.

 13. "Mr.

13. "Mr. Markland, a solicitor employed to manage prosecutions in Leeds, bears witness to the causes of the system described by Mr. Ellis being adopted in that borough. He states, that abuses practised by members of his profession had been numerous; there was a constant scramble for the management of prosecutions; and also, that police-officers had been in the habit of taking fees from the attorneys, the latter hoping that by this means the prosecutors might be induced to give them a retainer. The appointment of responsible prosecutors has worked well: though private parties have the option of conducting the prosecution at their own expense, this permission has only been taken advantage of in two cases.

Q. 872, 873.
Q. 712.
Q. 720.

14. "Mr. Trafford, stipendiary magistrate for the division of Manchester and Salford, states that in the county with which he is officially connected, prosecutions were open; they were very carelessly conducted; the attorney who had the conduct of them turned out to be a disreputable person; in one case, the sum paid as costs to witnesses was embezzled by him.

Q. 971, 972.

15. "Mr. Preston, a solicitor, who was employed to examine expenses on the Oxford Circuit, speaks of very corrupt practices going on under the existing system. The expenses of prosecutions are much larger than they need or should be; frivolous and groundless prosecutions are common; he has known instances where they had been used as a means to extort money; corrupt practices are not unknown between attorneys and policemen; costs paid to attorneys on behalf of witnesses have been fraudulently kept back. At Stafford, at the last Spring Assizes, 93 prisoners were committed for trial, of whom 54 only were convicted; a result, in witness's opinion, attributable to gross misconduct. So also in the county of Berks, same date, of 51 prisoners committed, only 34, or two-thirds, were convicted; and on the Oxford Circuit generally, out of 426 committals, 135 persons escaped. He ascribes this result to the prosecutions being either improper in themselves, or improperly got up; and in the case of Stafford, to the police being under pecuniary inducements to bring forward charges on insufficient grounds. It is notorious that policemen are there found to act in league with low attorneys, and that prosecutions depend very much on a conspiracy between them. There is often a needless accumulation of evidence, the sole object being to swell the costs.

Q. 1148.
Q. 1145. 1149.
Q. 1262.
Q. 1266.
Q. 1279, 1280.
Q. 1295.
Q. 1299.

16. "Captain Hatton, chief of constabulary at Stafford, confirms the statement of the last witness as it regards that place. He has been obliged to interfere to prevent collusion between the constables and certain solicitors, from whom they were in the habit of receiving money.

Q. 1319.

17. "Mr. Hobler, a solicitor, corroborates the statements of other witnesses as to the escape of guilty parties by collusion, owing to the want of a responsible prosecutor. The present system is better administered than it used to be, but prosecutions will nevertheless fall into the hands of unfit and disreputable persons. It is a disadvantage to the poor man applying for redress of an injury sustained, that solicitors cannot afford to take up prosecutions where the expenses are likely to be considerable. In such cases a failure of justice ensues.

Q. 1695.
Q. 1699.
Q. 1732.

18. "Others of the witnesses examined before Your Committee have testified, in terms more or less general, to the abuses here indicated; but their evidence does not materially vary from that already recapitulated. No witness has directly contradicted, or even expressed more than a very modified dissent from, the views of those who have been cited as regards the expediency of some change in the administration of the criminal law.

19. "Your Committee will now proceed to deal with the second head of inquiry, namely, the specific proposition to them referred, the appointment of official Public Prosecutors. And first, it seems expedient to call attention to the statements of various witnesses as regards the system on which prosecutions are conducted, both in other countries, and in portions of the British empire.

20. "The American practice has been fully and clearly explained by Mr. H. E. Davies, a barrister of long experience and considerable eminence in the State of New York.

Q. 533.

21. According to Mr. Davies, the State is divided into 56 counties; in each of these counties there is an officer, who is called the district attorney; the duty of these officers is to conduct all criminal prosecutions arising within their respective counties; they fulfil the functions both of counsel and attorney; they sometimes attend investigations before the magistrate; they act as legal advisers to the grand juries, who consult them on questions of law in cases of great magnitude; they often allow to be associated with them the counsel of the party who has been wronged; but this is a matter of courtesy only; they are subordinate to the Attorney-general of the State, from whom they sometimes obtain assistance; their salaries are large; the officer for the county of New York receives 1,000 *l.* yearly; has a deputy, clerks, and an office; the appointment is regarded as one of high professional distinction. The existing arrangements by which a district officer is appointed for each county date from 1821, previously to which the State was divided into four districts, each having a district attorney of its own; a system which originated with the organisation of the Government in 1777. The district attorneys were appointed from 1821 to 1846 by the county courts of each county; since 1846 they have been popularly elected; they hold their offices for three years, and, if efficient, are usually re-elected.

Q. 539.
Q. 605.
Q. 576.
Q. 578.
Q. 587.

22. "The

22. "The Lord Advocate of Scotland, a Member of the Committee, describes the Scotch system as follows: 'The system proceeds upon the principle that it is the duty of the State 'to detect crime, apprehend offenders, and punish them, and that independently of the in- 'terest of a private party. The Scotch system acknowledges the right of a private party to 'prosecute; but the duty of the public prosecutor is altogether irrespective of that. The 'staff, if I may so call it, of the public prosecutor is as follows: the Lord Advocate is the 'head of the criminal department; under him he has four advocates-depute, and these do 'the business that a barrister properly does in criminal cases; their duty is to advise in the 'proceedings while they are going on, in the collection of evidence in the country, and when 'the evidence is completed, to draw the indictment, and to attend the trial, and take the 'ordinary part in procuring a conviction. The Solicitor-general is also, in his criminal capa- 'city, a depute of the Lord Advocate; he holds a deputation from the Lord Advocate as 'such. There is a Crown Agent, who is the Crown attorney of the Lord Advocate, ap- 'pointed by him, and subject to his orders, and removable with the Lord Advocate; he is a 'political officer, and he goes out of office with the Lord Advocate; but the Crown office is 'permanent, and consists of a considerable number of clerks, who are not changed in practice 'with the Government; the advocates-depute do go out with the Government; so that the 'political staff substantially consists of the Solicitor-general, appointed by the Crown; the 'advocates-depute, who are appointed by the Lord Advocate, and the Crown Agent. The 'means of detecting and punishing crime in the country consists, in the first place, of the 'procurator fiscal; there is a procurator fiscal for each county, and a procurator fiscal for 'some of the larger boroughs. In the counties he is appointed by the sheriff, in the boroughs 'he is appointed by the town council, but he is directly under the orders of the Lord Advo- 'cate and his deputes. The mode in which the system operates is this. The procurator 'fiscal receives information that a crime has been committed; his duty is to make immediate 'inquiry; if any person is suspected, he applies to the sheriff for a warrant to apprehend 'him; he does apprehend him, and the party is taken before the sheriff for examination, and 'upon that occasion the declaration is taken; the party is cautioned that he need not speak 'unless he likes, and then he is asked by the procurator fiscal, in the presence of the sheriff, 'any questions which seem to be material; and his answers are taken down and may be 'used against him in evidence. Then, if there appears to be ground for an immediate 'warrant to commit, he may be committed at once; the usual course is to commit him for 'further examination, and then the procurator fiscal takes what is called a precognition; that 'is to say, he examines the witnesses whom he can discover, not publicly, but privately; 'they are not properly depositions, but they are statements taken down by the fiscal and 'signed by the witnesses; and if the case is at all of importance to warrant it, he sends this 'precognition to the Crown Agent. The witnesses may be examined on oath, but this is 'not usually done, unless the witness is reluctant. The precognition is sent by the Crown 'Agent to the advocate-depute of the district in which the crime has been committed; it is 'his business to read it over, and if he is satisfied, may order no further proceedings, or he 'sends down to the fiscal to have the party committed until liberated in due course of law, 'if that has not been already done, and proceeds to indict; but if the advocate-depute is not 'satisfied, he either sends it back to the fiscal for further investigation, or he comes to con- 'sultation with the Lord Advocate. We meet twice a week, and where the advocate-depute 'has any difficulty, he brings it to consultation, and in that way great uniformity is obtained 'both in prosecuting and in the preliminary proceeding. Then the question is, where the 'party is to be tried? He may be tried before the sheriff, or before the circuit, or before 'the High Court of Justiciary. If it is a small offence, such as an ordinary theft, the 'general course is, to send the party to be tried by the sheriff, either with or without a jury, 'and then the procurator fiscal attends and prosecutes. If, on the other hand, the party is 'an old offender, and he is indicted at the circuit, the advocate-depute attends. If it is a 'serious offence, or committed within the home circuit, he is tried before the High Court of 'Justiciary; and in that way it appears to me that the machinery works remarkably well. 'How it would do upon a larger scale I can hardly say; but from Scotland being limited in 'extent, so far as my experience goes, I think it answers all the objects of such an institution 'very well indeed. I can say, from my own experience that it operates fully as much in 'the protection of innocent persons against unfounded accusations, as it does in the detection 'of crime; and for my own part, I think that the want of publicity in the first examinations, 'if you have, as we have, a sufficient check in the superintendence such as I have described, 'tends very much indeed to the detection of the guilty: and I do not believe that our pro- 'curators fiscal would think it any advantage to have the witnesses examined in public; that 'is the system which we follow. These consultations which we hold twice a week have 'been found to be of very great advantage, because they methodise the law; and I think the 'whole criminal procedure is now reduced into a very uniform and good system.' And in answer to further questions, the witness states, that the procurator fiscal is usually a leading attorney in the county town; that he is paid by salary in some cases, by fees in others; the advocates-depute are four, besides one for the Sheriff's Court; they are practising barristers, and reside in Edinburgh; in the event of the advocate-depute refusing to prosecute, there is an appeal to the Lord Advocate, who thereon orders him to report upon the case. It sometimes happens that on such inquiry the advocate-depute has altered his judgment, and the suit has gone on; sometimes also, but very rarely, prosecutions by private parties take place. Expenses of prosecution are paid almost entirely by the Treasury; such expenses are rigidly kept down. Q. 111. Q. 122. 136. Q. 147, 148.

 23. "The

Q. 154. Q. 165. "23. The proportion of convictions to acquittals is much greater in Scotland than in England; the system gives general satisfaction. The advocates-depute retire on every change of Government. Witness does not hold that the amount of patronage which the system vests in the Crown has an unfavourable effect on the independence of the Bar.

Q. 1818. "24. The arrangement made for the carrying out of criminal justice in Ireland is thus described by Mr. Napier, formerly Attorney-general for Ireland, and a Member of the Committee:—'It is founded on the principle, which I think is a right one, that the Executive 'Government is properly, and I would say primarily, charged with the security of society; 'that the security of life and property belongs peculiarly to the Executive Government, and 'that all prosecutions ought to be conducted by responsible public officers. The way that 'we manage it in Ireland is this: the Attorney-general is at the head of the department; 'then there are a number of Crown solicitors; there is a Crown solicitor for the Dublin dis-'trict, and there are Crown solicitors for each of the circuits; they are appointed by the 'Lord Lieutenant, but they hold their office during good behaviour; and though they are 'appointed by the Lord Lieutenant, he generally consults with the Attorney-general as to 'their appointment. Then, in addition to the Crown solicitors, there are what are called 'sessional prosecutors in every county; they are appointed by the Attorney-general. Then 'there are counsel on each circuit, who represent the Attorney-general; generally one or 'more leading counsel, who are Queen's counsel; and in addition, there are others who have 'general practice; but on every circuit there are two or more who conduct all the prose-'cutions. The prosecutions at the quarter sessions are conducted by the sessional prose-'cutors, who, I believe, are always solicitors, and they take charge of that class of cases 'which goes to the sessions; but the other cases, which are generally of a more important 'description, and go to the assizes, are under the care of the Crown solicitor, with the 'counsel who are appointed by the Attorney-general. They do not, however, go in and 'out of office with the Attorney-general; that has always been the usage. When the 'Attorney-general comes in, he finds them there, and does not disturb them. He sometimes 'makes some new arrangements, or adds two or three supernumeraries, but they are not 'supposed to go in and out with the Attorney-general. When a vacancy arises by resignation, 'or some other cause, whoever is the Attorney-general for the time being exercises his dis-'cretion in appointing a proper person. The way the business is managed is this: when 'informations are taken through the different localities, the magistrates distribute them 'between the sessions and the assizes, and those which are intended for the assizes are sent 'to the Crown solicitor of the circuit, according to what locality they arise in. Then he at 'certain intervals makes them up, and he submits them to the Attorney-general for his 'direction; so that every set of informations in each case is submitted to the Attorney-'general, and he considers them. He then states his opinion whether it is a fit case for the 'Crown to prosecute. Of course it depends upon the kind of opportunity which he has of 'giving attention to it; but his duty is, on reading each case, not merely to signify whether 'the Crown should prosecute or not, but to point out where there are deficiencies of evidence, 'and matters which may occur to him in that way, so as to get the case made more com-'plete where he thinks it can be done. Those cases which are marked by the Attorney-'general to be prosecuted are taken charge of by the Crown solicitor; and when the circuit 'time comes he has the proper bills prepared, and the briefs given out to his counsel on the 'circuit, who exclusively attend to them. The cases which the Attorney-general does not 'interfere with, the private prosecutor may take up, as is done in some instances. It is not 'very usual, because it is considered that the case, having been rejected by the Attorney-'general, he does not deem it a fit case, or one with sufficient materials for a prosecution; 'however, it is open to the private prosecutor, and I have known cases so conducted by the 'private prosecutor.'

Q. 1832. Q. 1833, 1834. Q. 1842. Q. 1848. Q. 1853. Q. 1858. Q. 1864. 25. "It appears, also, from this evidence that the sessional prosecutor is an attorney; he is paid by a salary, witness thinks inadequately; the theory of the Irish practice is, that the Attorney-general conducts every prosecution either personally or by some one whom he appoints, and for whom he is responsible; this nominee exercises all his powers; according to the system of Ireland, from the moment a crime is committed, there is some public officer who has it in charge to see that justice is administered. Witness, while approving the general system, suggests many reforms in detail, such as the appointment of one Crown solicitor for the whole of each circuit to conduct assize cases, while the sessional prosecutor should remain, as at present, a local person. With reference to the general principle of the system, witness states that it can be made favourable to the improvement of the Bar; that though susceptible of considerable improvement, it works well; that it effectively checks collusion or compromise, and that no unnecessary expense is incurred.

26. "Your Committee will now call attention to the specific propositions submitted for the amendment of the law, and assuming that any public officers are to be appointed, charged with the duty of conducting prosecutions, the question arises in the first instance, whether these officers should be barristers or solicitors; whether the entire management of cases, or only the preparation of such cases, should be placed in their hands.

27. "Your Committee cannot hesitate to recommend the latter alternative: the increase of ministerial patronage, although the mere fact of such increase ought not to stand in the way of any necessary measure of practical reform, is in itself to be deprecated, not desired. No proof has been or can be adduced to show that barristers selected, as at present, from the

the general Bar are unfitted for the functions which they fulfil; nor is it expedient to take from junior members of the legal profession the opportunities of acquiring practice and experience which they now enjoy.

28. "Your Committee would therefore suggest, that the functionaries proposed to be appointed under the new system should be solicitors, acting under instruction and guidance as hereinafter to be stated.

29. "With regard to the number of these officers, Your Committee are inclined to believe that it will be sufficient if, throughout England and Wales, one be appointed for every district in which a county court exists.

30. "Your Committee recommend that the appointment of these gentlemen be vested in the Lord Chancellor, as head of the law, and as being the Minister best qualified by political and professional position for the making of an impartial and judicious choice.

31. "Your Committee believe that for the offices thus created a salary of 500 *l.* yearly will be found sufficient, in addition to which there should be in each case allowance for the support of a clerk. The county court districts being 60 in number, the total cost of the District Prosecutors will thus amount to between 30,000 *l.* and 40,000 *l.* yearly.

32. "It will be the duty of these officers to receive reports on all cases where investigation appears desirable: to give their advice on the question of what evidence ought to be adduced before the magistrates; and, where they deem it expedient, to attend in person before the bench; they should also prepare the brief and give instructions to counsel at the trial. Depositions should be placed in their hands, and in cases of difficulty they should be instructed to communicate with the advising counsel, whom Your Committee would further recommend to be appointed.

33. "It is obvious that, under any arrangement, the powers of the Public Prosecutor must be large; and in order to serve as a check upon them, and at the same time to assist them where assistance might be needed, it seems desirable that a number of practising counsel, not exceeding 15, should be employed in aid of the district agents. It is probable that these counsel would reside in London. A salary of 500 *l.* each would amply remunerate them for the duties to be discharged by them in the general supervision by each of cases arising within four districts. They should be empowered to refer to the Attorney-general in case of need, and should report to him periodically on the subject of the business brought before them; they should not be in any way restrained from private practice.

34. "Your Committee are of opinion, that the arrangement here proposed, while not departing in any very great degree from existing practice, but merely extending to the country at large, with the necessary modifications, a system of responsibility in the conduct of public prosecutions, which various local authorities have adopted in their several districts with the best results, will more effectually, and with less ground for objection on the part of individuals or interests affected, remedy the defects of the law as it stands, than any more extensive proposition, by which the conduct of criminal cases in court might be transferred from the general Bar to officers appointed by the Executive. For the adoption of this latter and larger measure, Your Committee can see no sufficient justification in the evidence laid before them, while they deprecate it as needlessly and dangerously increasing both the public expenditure and the amount of patronage at the disposal of Government."

Resolutions proposed by Mr. *Miles*, read 1°, as follows:—

"Magistrates' clerks to be paid by salaries instead of fees. 456. 2617.

"One only to be appointed for each petty sessional division, by the bench of magistrates of each petty sessional division, at their next meeting after the Epiphany Sessions in each year. 697. 978. 1039, 1040. 1058. 1306. 1412, 1413. 1850.

"His duty to prosecute all criminal cases which may come before the petty sessional division of which he is clerk, either at assizes or sessions, unless the prosecutor himself wishes to employ his own attorney, of which he shall have the option. 936. 964. 2131. 2539. 2360.

"To take care that all necessary evidence shall, if possible, be procured before committal; if this is impossible, to use his utmost endeavour to procure it subsequently and previous to the trial.

Should it appear, after every effort shall have been made, that the evidence procured is not likely to lead to a conviction, to bring the consideration of the case again before the petty sessional bench, and, with the consent of the justices of the peace there assembled, to make application to the Attorney-general to enter a *nolle prosequi*; upon receiving assent, to notify to all witnesses in the case, that they will not be required to appear at the assizes or sessions, before which, had the prosecution been proceeded with, they would have been bound to appear. 2619.

"To attend before the grand jury with the witnesses for the prosecution; to arrange the evidence, and draw the brief for counsel. 278. 286. 289. 805. 957. 1959. 2451.

319. 1847. 2381. "In heavy cases, where difficulties occur in the evidence, with the approbation of the justices of peace of their respective petty sessions, to apply for assistance to the Attorney-general.

2701. "That whenever the clerk of the justices of the peace shall prosecute, a sum of 2*l.* a day shall be allowed him during the time he may be at assizes or sessions; such sum to cover all expenses.

"That in computing the salary to be awarded to the clerk for the discharge of the duties of petty sessional prosecutor, the justices of peace assembled at quarter sessions shall take into consideration the number of prosecutions which have occurred in their district for a period of three years as a basis to estimate the amount of the salary.

2649. "That all cases shall be prosecuted by counsel.

2414. "That when a new clerk is appointed by any petty sessional divisional, he shall be an attorney of at least four years' standing.

700 *et seq.* "That when a prisoner shall have heard the charge made against him before the justices of the peace, he shall be asked what he has to say to the charge; and if he shall say that

1058 *et seq.* 2094. 2452. 2625. he has certain witnesses who will rebut the charge and speak to such and such facts, the justices shall call them for the prisoner; and should they consider them credible and necessary for the defence of the prisoner, they shall bind them over to appear at the trial, their evidence being added to the depositions; in which case, their expenses shall be paid similarly to the expenses of witnesses for the prosecution; the judge or person presiding at the trial to have the like power. No bill shall be presented before the grand jury, except the

955. 379. case is sent by the magistrates, or except the court give leave for a bill to be preferred.

"One set of fees established for the whole country."

2557. Motion made, and question, "That the Draft Report proposed by Lord *Stanley* be now read 2°, and considered paragraph by paragraph" (Mr. *Ewart*), put, and agreed to.

First paragraph read.

[Adjourned till Friday, May 9, at One o'clock.

Veneris, 9° die Maii, 1856.

MEMBERS PRESENT:

Mr. PHILLIMORE, in the Chair.

Mr. Watson.	Mr. Attorney-general.
Mr. Philipps.	Mr. Ewart.
Mr. Miles.	

First paragraph of Draft Report again read, amended, and agreed to.

Paragraph 2 read, and negatived.

Paragraphs 3, 4, and 5 read, and agreed to.

Paragraph 6 read, amended, and agreed to.

Paragraphs 7 and 8 read, and agreed to.

Paragraph 9 read, amended, and agreed to.

Paragraph 10 read, and agreed to.

Paragraph 11 read, amended, and agreed to

Paragraphs 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 read, and agreed to.

Paragraphs 26, 27, 28, 29, 30, 31, 32, 33, and 34 read, and negatived.

Motion made, and question, "That after paragraph 25 the following paragraphs be added to the proposed Report (Mr. *Attorney-general*), put, and agreed to:—

"Your Committee are unanimous in thinking that the state of things referred to in the foregoing evidence is greatly defective, and urgently requires amendment.

"Your Committee have proceeded to consider the plan by which such amendment may best be effected.

"The subject divides itself into two branches: 1. The preparation of cases for trial; 2d. The conduct of cases at the trial.

"As regards the first, we recommend that agents shall be appointed, one to each of a certain number of districts, for the purpose of preparing and conducting prosecutions to the time of trial, as hereafter mentioned. We propose that these districts shall be as co-extensive with the jurisdiction of the existing county courts as may be, regard being had to the integrity of counties.

"We further propose that the district agents shall be attorneys of not less than seven years' standing; that they shall devote their whole time to the duties of their office, abstaining altogether from private practice; that they shall be paid by salaries of 700*l.* a year each, and 80*l.* a year for a clerk; that the appointment shall be vested in the Secretary of State for the Home Department for the time being.

"The

"The duty of such district agents should be to prepare and conduct prosecutions through the stages preliminary to trial. Where it comes to their knowledge that an offence has been committed, and that no steps have been taken to bring the offender to justice, it will be their duty to take the necessary steps for apprehending or for otherwise bringing the offender before a magistrate; or if the party have already been apprehended, and the case is one of any difficulty or importance, it will be their business to intervene, and take upon themselves the further conduct of the prosecution. It will be their business to collect and prepare the evidence; to see that the indictment is properly prepared and brought before the Grand Jury; to attend before them, if required; and to prepare the brief and instruct Counsel at the time of trial: in other words, to discharge all those duties which are now undertaken by an attorney in the conduct of a private prosecution.

"It is obvious that in the greater number of cases brought before magistrates for minor offences, the intervention of these officers in the earlier stages may be unnecessary. If the case is plain and the evidence complete, the magistrate will have no difficulty in dealing with it, and in committing the prisoner; it would here be unnecessary to call in the assistance, or to occupy the time, of the district agent. But in more important and difficult cases which have been brought before magistrates without the aid of the agent having first been sought, we think the magistrates should have the power to call for the intervention of the agent, with a view to the further conduct of the prosecution. In either case we think that when the prisoner is committed for trial, the depositions should be transmitted to the district agent, and upon him should rest the duty and responsibility of taking the case to trial, and of transmitting the depositions to the Judge or other person presiding at the trial. In cases of difficulty, the agents should be instructed to communicate with the advising counsel, the appointment of whom Your Committee will presently proceed to recommend.

"There can be no doubt that in cases of a more difficult and complicated character the district agents would frequently require the advice and assistance of counsel. We recommend that there shall be appointed for each circuit a counsel of not less than 10 years' standing, who shall be the advising counsel for that circuit; that to him the agents for the districts within that circuit shall resort for advice and directions in all cases of more than ordinary difficulty. And as it appears to us that any scheme for conducting public prosecutions should center in the Attorney-general as the State prosecutor, we recommend that these advising counsel should be instructed to communicate with and act under the directions of the Attorney-general, forming, as it were, the staff of that officer in the administration of Criminal Justice.

"It further appears to us that the advising counsel, whose appointment we have just been recommending, may be made available in the second stage of the proceeding, namely, the conduct of the prosecution at the trial.

"Your Committee have found great difficulty in dealing with this part of the subject. While, on the one hand, they think that any scheme which does not provide for the efficient conduct of the prosecution at the important and critical period of the trial, must necessarily be defective, they, on the other hand, are disposed to give weight to the apprehensions entertained by persons high in authority, that the concentration of all the business of prosecuting counsel in a few hands would tend to impair the independence of the Bar, and would deprive the junior members of the profession of a school for commencing the practice of their profession, and of the opportunity of emerging from the obscurity of its earlier stages.

"Your Committee have thought it advisable to take a middle course. They would recommend that, as regards the ordinary and less difficult business, the present practice as to the employment of counsel should not be departed from; that at the Sessions the choice of counsel should be left to the district agent, subject to instructions which will presently be referred to; that, in like manner, at the assizes, in ordinary business, briefs shall be delivered to the counsel practising in the Criminal Court in each particular district, according to the best opinion which the agent shall be able to form of their competency and fitness; with strict injunctions, however, to the agents (and which it should be incumbent on the Attorney-general to see enforced), that the selection of counsel shall be honestly and conscientiously made with a view to the public service, and not from any desire to promote the interest of particular individuals.

"Thus much for the ordinary business, in which the employment of a single counsel would be sufficient. In more difficult cases, in which it might be deemed necessary to employ a leading counsel, Your Committee would recommend that the advising counsel for the circuit should be employed *ex officio*. The advising counsel should also be applied to in all cases of difficulty by the agent, who should be bound to act according to his directions; and it should be competent to the advising counsel to intervene *ex proprio motu* in all cases in which he might deem it necessary to interfere in the conduct of a prosecution on the trial.

"We should propose that the counsel employed at the sessions, or as junior counsel at the assizes, by the district agent, should be paid, as at present, by fees.

"With reference to the advising counsel, we recommend that they should be remunerated by salaries; but inasmuch as their whole time would not be occupied by the duties we

propose to entail on them, and as we do not, therefore, think it necessary to stipulate that they shall abstain from ordinary practice, we are of opinion that a salary of 500 *l.* a year in respect of all services, both of advising and conducting causes, would be a fair and reasonable remuneration.

"As these counsel are to act as the assistants and under the immediate control of the Attorney-general, who is to be responsible for the working of the system, we are of opinion that they should be appointed by that officer.

"Once appointed, we recommend that they should not be removable unless by the concurrent decision of the Secretary of State for the Home Department, and the Attorney-general.

"Your Committee would not, however, go the length of advising that individuals instituting prosecutions should be prohibited from employing their own attorneys and counsel, and be compelled to resort exclusively to the Public Prosecutor. We think it should be left open to the private prosecutor to pursue the ordinary course, as at present practised; but with a view to prevent the compromises which the evidence we have taken shows are sometimes resorted to for purposes of private interest, and to ensure the effective administration of justice, we would make it compulsory on an attorney employed to conduct a prosecution to give notice to the district agent of his intention to prefer an indictment, and would give the latter authority to intervene, and, if necessary, to apply to the Court for leave to take up the prosecution, and conduct it to its close. With the same object, we recommend that in cases where the defendant has not been previously taken before a magistrate, no indictment shall be allowed to be preferred without the consent in writing of the Attorney-general having first been obtained. That in all such cases it shall be competent to the Attorney-general, in any stage of the proceedings, to intervene by himself, or by his advising counsel for the district; and that no prosecution once commenced shall be abandoned without the consent of the Attorney-general, or such counsel on his behalf. And no verdict for the defendant, taken by consent of the prosecutor, shall in such a prosecution enable the defendant to plead *autrefois acquit*, unless the Attorney-general, or his counsel, shall have given his assent thereto.

Motion made, and question, "That the following paragraph be added to the proposed Report" (Mr. *Phillimore*), put, and agreed to:—

"There is another point to which the attention of Your Committee has been directed, and on which much useful evidence has been given, the payment of the witnesses called by the prisoner to prove his innocence. Your Committee are of opinion, that with proper checks and safeguards, the expense of such witnesses ought to be allowed; and that this alteration would remove a manifest imperfection in the present system."

Motion made, and question, "That the following paragraphs be added to the proposed Report" (Mr. *Miles*), put, and agreed to:—

700 *et seq.* 1058 *et seq.* 2094. 2452. 2625. "That when a prisoner shall have heard the charge made against him before the justices of the peace, he shall be asked what he has to say to the charge; and whether he has any witnesses to speak to facts in his defence, and if so, the justices shall call them for the prisoner; and should they consider them credible and necessary for the defence of the prisoner, they shall bind them over to appear at the trial, their evidence being added to the depositions; in which case their expenses shall be paid similarly to the expenses of witnesses for the prosecution; the judge or person presiding at the trial, or the district agent, shall have the like power. 955.

"If after every effort has been made by the district agent, and it should appear to him that the evidence procured is not likely to lead to a conviction, he shall make an application to the Attorney-general to forego the prosecution, and upon receiving his assent, shall notify to the prosecutor and witnesses in the case, that they will not be required to appear at the assizes or sessions, before which, had the prosecution been provided with witnesses, they would have been bound to appear.

"The attention of the Committee has been called to the great discrepancy which exists in the costs of prosecutions, both in counties and boroughs; and as the whole expense of these is now borne by the public income, they recommend that one set of fees be drawn up by the Secretary of State for the Home department, applicable to all prosecutions at assizes and sessions in all counties and boroughs."

Motion made, and question, "That the following paragraph be added to the proposed Report," (*Mr. Attorney-general*)—put, and agreed to:—

"By the scheme which we have thus pointed out, we are of opinion that an efficient system of public prosecution may be established, and we beg to recommend it to the consideration of The House, as a means for placing the administration of criminal justice on a footing more consistent than the present with the necessities of the existing state of society, and the requirements of an enlightened jurisprudence."

Motion made, and question, "That the proposed Report, as amended, be the Report of the Committee to The House," put, and agreed to.

Ordered,—To report.

MINUTES OF EVIDENCE.

Veneris, 29° *die Februarii*, 1856.

MEMBERS PRESENT.

Mr. J. G. Phillimore.	Mr. Walpole.
Mr. Miles.	Lord Stanley.
Mr. William Ewart.	Mr. Solicitor-General for Ireland.

JOHN GEORGE PHILLIMORE, Esq., IN THE CHAIR.

Thomas Puckle, Esq., called in; and Examined.

T. Puckle, Esq.

29 February 1856.

1. *Chairman.*] YOU are a Chairman of Quarter Sessions?—Yes.

2. What quarter sessions are you chairman of?—The Surrey quarter sessions, held at Newington.

3. How often do you sit as chairman of quarter sessions?—Last year we sat every fortnight; this year we have determined only to sit once a month.

4. How long have you been chairman?—Fifteen years.

5. And you have had considerable experience in criminal cases?—During that time I have constantly attended in quarter sessions.

6. Have you ever taken into consideration the management of prosecutions in that court?—No; I have not given a great deal of attention to that subject; I have seen no practical inconvenience in the present system.

7. You do not think there is any practical inconvenience in the present system?—Not that I am aware of.

8. Have you seen policemen conducting prosecutions?—I have seen policemen marshalling witnesses, keeping them together in going before the grand jury; I am not aware that they conduct prosecutions beyond that.

9. You have never observed them conducting prosecutions?—The chairman has not much opportunity of ascertaining that.

10. According to your knowledge, what you have stated is the limit of the policeman's interference?—Yes.

11. Would you consider it an evil if the policeman distributed briefs to counsel?—I should think decidedly that he was going out of his sphere; it is difficult to know where briefs come from.

12. Has it ever happened to you to know of cases failing for want of the evidence being properly methodised and digested?—No; I should not think such a thing has often occurred.

13. And you never had occasion to observe the failure of justice in consequence of the bad instructions given to the prosecuting counsel?—In most cases, where our counsel prosecute, we give them the depositions taken before the magistrates; that is their brief, in point of fact. Our system is, whenever a person is defended by counsel, for the court to give the prosecuting counsel a brief, and his brief, in fact, is the depositions taken before the magistrates.

14. The court gives the depositions to the counsel?—The clerk of the peace does that.

15. The counsel may thus have, in a difficult case, half an hour or 20 minutes to prepare himself for it?—Yes, that is the case.

16. How many prisoners, on an average, do you try in the quarter sessions?—Up to last year, we have tried something bordering on a thousand annually; but now it is reduced, I think, more than one half, in consequence of the summary jurisdiction of the magistrates in cases of felony.

T. Puckle, Esq.

29 February 1856.

17. Mr. *Walpole.*] Do you see any particular advantage in appointing a person to get up the evidence in criminal prosecutions?—It seems so theoretically, but in my court (I am only speaking of the court in which I preside) there may be some inconvenience that I am not aware of; perhaps the clerk of the peace would be a better person to speak about it than I, as chairman; there has been no delay that I have seen, and no inconvenience; in point of fact, the court examines the witnesses when there is no counsel for the defence, and they have, of course, no more time to prepare than the counsel would have. I do not see much practical inconvenience in it; we take the depositions before the magistrates and go through them; it is as good a brief as they could possibly have.

18. Have you any reason to believe that there is a miscarriage of justice in consequence of the want of some one to get up these cases?—I have not seen it in my court, and I do not imagine it to be the case.

19. You would not be able to judge of the necessity of having an officer to get up the evidence in these prosecutions; the cases are only brought before you after they have been before the magistrates?—Yes.

20. Then there may be cases that might be brought before you if there were some officer whose duty it was to look so carefully into them?—No, I do not think so.

21. Your cases are limited to the cases which come to you from the magistrates; but does it necessarily follow that every case is brought before the magistrates that might be brought before them, if there were a public prosecutor?—That depends entirely upon the duties of the public prosecutor; if he has any duty to perform before the committing magistrate, that is a different matter; I have nothing to say to that.

22. Mr. *Miles.*] Your remark does not apply to that?—No; I was only speaking of what took place after committal.

23. Mr. *Walpole.*] Your remarks all apply to the conduct of the prosecution after committal?—Yes.

24. Mr. *Solicitor-General for Ireland.*] The committing magistrate transmits the depositions to the court?—Yes.

25. Do I understand you to say that the instructions for the counsel who prosecutes in your court consist of copies of the depositions taken before the magistrates?—Yes; or rather the depositions themselves.

26. He knows nothing more of the case than what he finds there?—No, unless the prosecutor chooses to prosecute the prisoner himself, and retains counsel.

27. But in an ordinary case, when, as you say, the counsel prosecutes, he knows nothing more than what he finds in the depositions?—No.

28. Is not the course of the committing magistrate this: that he takes the depositions which the witnesses offer until he has a sufficient case to commit the prisoner upon, and then he commits him for trial?—Yes.

29. It is obvious that there may be a great deal of evidence bearing upon the case which neither comes before the court or the counsel?—Sometimes by the advice of the police they subpœna witnesses that were not before the magistrates.

30. Unless the police do that, is there any one to do it?—The prosecutor himself may do it. I can hardly tell how it is done; I only know that the witnesses are subpœnaed, that they present themselves and come before me.

31. You have presided at the trials; do I understand you to say that there is no means of ascertaining whether the prosecutor prosecutes the person, or whether the case is left to mere chance, without having any person to defend the case?—No; we cannot ascertain that, as all the witnesses that were before the magistrates go before the grand jury, and some person is bound over to prosecute by the committing magistrate.

32. Are you able to estimate what are the respective proportions of acquittals and convictions in your court in the case of parties actually tried?—I can hardly say that from memory, though it is a thing easily ascertained; but I should think there are very few acquittals, comparatively; but that may be ascertained precisely by referring to the clerk of the peace.

33. Mr. *Miles.*] The magistrates do not send before you any cases upon which they do not think that there will be a conviction?—I should think not; I hardly ever saw a case which, looking at the depositions before the magistrates, I thought

I thought ought not to have been sent, or where I did not think there was a very good case. Of course it may be answered in a very short way that the magistrate is not aware of.

34. Have you met with any cases where, after the depositions have been taken, the witnesses give further evidence?—Yes, certainly.

35. Have you had many cases in a thousand of that kind?—No; I should not think that there is a case very frequently; I know there are some cases where parties are subpœnaed as witnesses who have not been before the magistrates.

36. Do your counsel take the depositions from the bench with the intervention of an attorney?—No; in fact, it is only a very recent practice that they have them at all.

37. *Chairman.*] The clerk of the peace generally does it?—Yes; the clerk of the peace, acting under the direction of the quarter sessions, that he shall procure prosecuting counsel in every case where the prisoner is defended by counsel.

38. Mr. *Miles.*] Are most of the magistrates' clerks professional gentlemen?—Yes, I should think almost invariably.

39. They are paid, I suppose, by fees?—By fees.

40. Have you ever turned your attention to the question whether it would be better to pay them by salaries or by fees?—I have never given any particular attention to that; for a great many years, since I have been chairman of quarter sessions, I have not acted privately as a magistrate; I used to have a good deal to do with it some years ago; I should think upon the whole it would be better, as a principle, to pay them by salaries rather than by fees.

41. If they were paid by salaries, do you think they could manage all the different cases that come to the bench?—I should think, in general, from what I know of magistrates' clerks, that they would be capable of conducting a prosecution very well; they have a great deal of experience; almost all the cases that come before me, come from the metropolitan district; the police magistrates' clerks have a great deal of experience.

42. Have you found they are not professional men?—Sometimes they are not; but still they have so much experience that I think they are equal in that respect to professional men.

43. In any new system that would be adopted, taking the country throughout, and not your particular district alone, would you lay it down as your opinion that the clerks should be professional men?—I should certainly think it would be very desirable, and I think almost all county clerks are professional men.

44. Were you rightly understood to say that you did not think the police in your district have interfered illegitimately in the case of prosecutions?—No case of that sort has been brought to my notice; they might do it without my knowing it.

45. *Chairman.*] Are you a barrister yourself?—No, I am not; I was not brought up to the bar.

46. With regard to the policemen, have you every reason to suspect that the policemen in your district bargain about having some of the expenses of the witnesses?—No; I have never heard of that; it is very possible they might; these things may be constantly occurring; but they are not brought to the attention of the court.

47. Would the policeman have an opportunity of favouring any attorney by bringing prosecutions into his hands, and so on?—Yes, I suppose he would, if the prosecutor chooses to prosecute himself; but he would not where the brief comes from the court.

48. In the case of a private prosecutor, is not he induced to undertake the cause himself by his great anxiety about the case?—Yes.

49. Then it would come to this, that the private prosecutor thinks that greater attention is necessary for his case than it is in the power of the court to give?—He sometimes may; I recollect one case in which a man who professed to be an attorney attending the court persuaded the prosecutor who did not want to prosecute to do so, and I think the policeman advised him that he should; and he agreed to do it for nothing, in point of fact, merely to get the court allowance.

50. Would not you consider that state of things to be highly objectionable?—Yes, so much so, that when that case came to my knowledge, I committed the pretended attorney for contempt of court.

T. Puckle, Esq.

29 February 1856.

51. Mr. *Miles.*] Is it not the fact that these cases are very rare, because, generally speaking, those who employ prosecutors are from the middle and upper orders of society?—Yes, the commoner sort of persons cannot afford to prosecute by counsel, and therefore they are not persuaded by the policeman to do so.

52. If a defence is set up on the part of the prisoner, your invariable practice is to send down the briefs to the counsel?—Yes, that is the invariable rule.

53. Mr. *Ewart.*] Does not the fact which you mentioned just now, of the poor man not being able to prosecute, afford an argument for the establishment of a public prosecutor?—I cannot tell what the duties of a public prosecutor would be. I do not know whether it is proposed that he should be an advocate or not.

54. It is proposed that he should facilitate the discovery of crime; has a case ever occurred, within your memory, of persons being so poor as to require the assistance of the public in prosecuting offences?—I think equal justice is done to the prosecutor if there is no prosecuting counsel at all.

55. Did not you say, just now, that sometimes persons are too poor to prosecute?—A great proportion of them do not prosecute by counsel, because they are poor; but in my opinion, even if they had counsel, their cases would not be much better conducted than they are at present.

56. *Chairman.*] A person may be too poor to prosecute, and yet his case may be one which requires a great deal of attention and consideration?—Yes; but it should be remembered that when parties do prosecute, their expenses are allowed by the court in cases where prisoners are defended by counsel.

57. Does not it sometimes happen that an attorney will not undertake the management of a case unless his expenses are paid beforehand?—I do not know what attorneys do; we have some rather rough sort of attorneys attached to our court.

58. Mr. *Miles.*] In your experience, do you think that there has been any failure of justice arising from poor persons who have cases being prevented from bringing them before the court, because they are poor?—In my opinion there has not.

59. *Chairman.*] Let me put this case: supposing my attorney is a poor man, and unable to afford to retain counsel, do not you think that if he was a rich man he would retain counsel?—Very likely he would.

60. Would not the object of the rich man in retaining counsel be that his case might be more carefully managed?—He would think that it would be more carefully managed.

61. Might there not be cases in which he would think so with propriety?—Perhaps there might, but the counsel for the prosecution, when holding court briefs, do not take the same pains as when they defend prisoners; certainly not more than the court would take itself.

William Henry Bodkin, Esq., called in; and Examined.

W. H. Bodkin, Esq.

62. YOU have been a Barrister for a number of years?—I have.

63. You have had very considerable experience in criminal matters?—I have.

64. Have you ever turned your attention to the subject which this Committee is directed to investigate, namely, the appointment of a public prosecutor?—Situated as I am, generally acting for the Government in the metropolitan districts, it was unavoidable that I should think on this subject, and I have done so on many occasions. The term public prosecutor has never conveyed to my mind any definite impression; I hardly know what it means; but I can conceive that our criminal law in its administration is susceptible of very great improvement.

65. Will you state what those improvements are?—I have never been able to reconcile to my own judgment any scheme for improvement apart from the establishment of a department of Government for the superintendence of the general administration of justice, if prosecutions by individuals are no longer permitted.

66. Mr. *Walpole.*] Will you confine yourself to that part of the administration of justice relating to criminal prosecutions?—I think the evils of the present system, anomalous as it undoubtedly is, have been a good deal exaggerated

in

in many quarters as far as my experience goes; but still it is impossible to deny that our whole system is anomalous and capable of improvement.

67. *Chairman.*] Will you point out what evils there are to which you refer, that are capable of improvement?—I think there have been, in the course of the investigation before this Committee, many instances stated in which a failure of justice has arisen from the present state of things. My notion is, that if anything were done to remedy these evils, it should be something of this kind: there should be in every part of the kingdom an officer (who I think should be an attorney) with a certain district assigned to him, and it should be his duty to superintend the getting up of prosecutions, not, as has been suggested, merely taking the depositions after the magistrates had committed prisoners for trial, but rendering his assistance (where it is frequently much more valuable) in the previous inquiry, and in getting up the case before the magistrates determine to commit the prisoner.

68. Would you pay such officer by a fixed salary?—I would pay such officer by a fixed salary.

69. Would you make him a regular officer of the Government?—I would make him a regular officer of the Government.

70. Would you confine him to that business?—I would confine him to that business, and would confine him to one district. Then of course there should be in the metropolis a general superintendence over those persons.

71. Who would have a staff under him?—What occurred to my mind was something analogous to the Poor-law Board, responsible immediately to Parliament.

72. Mr. *Walpole.*] Would this Board control the whole of the criminal procedure of the country?—Yes; I assume that to be intended.

73. Would you transfer to that Board the authority which now, by theory, is vested in the Attorney-general?—I would transfer to that Board a great deal that is at present done in the Home Office, where I think it is done with very inadequate means.

74. Would you at all alter the authority of the Attorney-general in reference to prosecutions?—I should leave the Attorney-general to be the public prosecutor for the Government; that is to say, as to sedition, treason, and matters of that kind, where the Government is directly the prosecutor, and not merely the nominal prosecutor for the Crown.

75. In all other cases you would give this Board the power of directing and controlling prosecutions?—I would.

76. Under the Board you would have a staff of officers?—Under the Board I would have a staff of officers located in the way which I have suggested.

77. By the word "districts" do you mean parts of counties, or whole counties?—That is a matter of detail which may be settled afterwards; of course the arrangement for one part of the country would not be applicable to another; it would depend upon the amount of population in each county: but I think that such an officer should not of necessity attend to every case that comes before the magistrates, but when they thought it necessary that they should be assisted, they should have the power to call for his assistance.

78. You would propose that when the court chose to apply for his assistance, they should have it?—That when they chose to apply for his assistance, then he should give that assistance, and after the depositions were taken he should have those depositions in all cases sent to him, and should see whether there were any unnecessary witnesses that had been examined before the magistrates, so as to save all unnecessary expense and all unnecessary attendance; and, on the other hand, to supply any deficiency of evidence that, in his judgment, was requisite and advisable to prepare the case for trial.

79. *Chairman.*] To recal your attention to the general topic, does not it appear to you to be a very disgraceful thing that there should be a scandal in the Court of Queen's Bench as to a person managing a prosecution there?—Certainly.

80. Do not you know that there was an application made in the Court of Queen's Bench, in a recent case, that a trial should not take place in Staffordshire?—I understand that there was an application on the part of the prisoner in that case to remove the indictment to some other county.

81. Was not that application made on the ground that he would have a more fair trial there?—I believe it was.

82. Do

W. H. Bodkin, Esq.

29 February 1856.

82. Do not you know that that application was opposed?—Yes.

83. Have you any doubt that it was opposed on the ground of private interest?—I do not wish to sit in judgment upon the actions of other people.

84. Upon what ground do you think that that refusal arose?—Whatever I might say upon that subject would be mere supposition, and therefore I would rather not express an opinion.

85. Do not you think that it is a scandal to public justice if, after there was an application to the Court of Queen's Bench to remove the indictment, upon the ground that a man could not have a fair trial in the particular county in which the transaction took place, and if that application were opposed by a person actuated by the motive which I have suggested, that would be a disgraceful thing?—Yes; I think that to justify that opposition it ought to be on public grounds.

86. Supposing it possible that a private motive should be the reason for resisting such an application, would you think that an objectionable state of things?—No doubt.

87. Has it never occurred to you to consider the anomalous position of the Attorney-general when he appears to defend a case in which, strictly speaking, he has the power of stopping the prosecution altogether?—That is, no doubt, a very anomalous position.

88. Is it not contrary to all system?—It is contrary to one's abstract notions of principle, but it does not lead to any practical mischief.

89. Might you not conceive of cases arising in bad times in which such a power might be mischievously exercised?—It is an anomalous thing to find a public officer defending a man when he has it in his own power to control the prosecution, if he thinks fit.

90. Did not this happen the other day, in the case of a gentleman who was accused of forging a document; was not the Attorney-general his counsel?—Yes.

91. Mr. *Ewart*.] What circumstances have occurred to you which lead you to think it desirable that a public prosecutor should be appointed?—I think that very many cases fail in consequence of their not being (to use a technical term) got up properly. It is of very little use, when counsel come into the court, for the court to direct off-hand that the depositions shall be handed to them, with no instructions, no explanations, and nothing to guide them, but merely the examination of witnesses, so that they merely have the putting of questions to the witnesses, which, if the counsel were not so employed, the presiding Judge would put. The difficulty and mischief arises in cases such as this: supposing a man charged with an offence has the means of getting up an answer to it by witnesses. He calls a number of witnesses, who spring up in a moment in the court. It often happens that there is no officer whose duty it is to examine into the character of the persons thus brought forward, or to prepare to cross-examine them. I have no doubt that a failure of justice sometimes occurs from that state of things. Now, according to my view, if there were an officer of the court whose duty it was to attend to such cases, he would hear what would probably be the defence of the prisoner, and he would prepare for it, and thus be in a condition to advise counsel accordingly.

92. Is the evidence in some cases got up by the police?—The police and constables are the persons who get up the case if there is no solicitor employed and no public officer. I have known a constable come into an assize town with eight or ten cases to conduct; he colludes with some low attorney, and they merely get a copy of the depositions from the officer of the court, and cover it with a blank sheet of paper, and deliver it to counsel, and then the attorney gets an allowance from the court for preparing what is considered to be a brief; and what becomes of the fee when the man obtains it, whether it is divided with the police officer or not, I do not know, but I have seen reason to suspect that such is the case.

93. Lord *Stanley*.] In fact, do you believe that many prosecutions actually fail from insufficient getting up?—I think not a great number, but some do, certainly.

94. Is it your opinion that in any large number of cases the ends of justice are interfered with by a composition taking place between the party injured and the party who has injured him?—I think there are cases of that sort; I would not say that there are a great number, but undoubtedly I have seen cases in which,

which parties have withdrawn from the prosecution in consideration of some composition being made; but I do not think that that is altogether an unmixed evil, because, where the injury has been of a personal and a pecuniary kind, I do not know that there is any very great moral wrong in the party who has been so injured receiving from the person whom he charges some redress for the injury which he is charged with having made.

95. Do you think that the ends of social security are sufficiently obtained by the exposure, and by the alarm undergone by the party so prosecuted, and the restitution which he makes?—I think there are many prosecutions of a criminal nature, in which it would be a fair conclusion of the matter, that the party prosecuting should have full restitution.

96. On the other hand, is it your experience that any large number of prosecutions take place, which are merely frivolous and vexatious in their character, and which are set on foot for purposes of annoyance?—I do not think there are many such.

97. Is it your opinion that the per-centage which such cases would bear to the whole number of cases brought before the court is insignificant?—I think there have been such cases, but I think they are exceptional cases. I think that the cases of corrupt failure are very few, for I do not call the cases to which I have adverted corrupt; but cases where the prosecution is bought off from mere corrupt motives, I think to be very few. I think the grand jury is the great instrument for such arrangements. The grand jury have no means of knowing what the parties have sworn before the magistrates, and certainly cases have occurred in the course of my experience, where, if a man had stated to the grand jury what he had stated to the magistrates, it is impossible to conceive that his bill would have been thrown out.

98. Mr. *Ewart.*] Suppose that an attorney is employed on a prosecution, do not you think that it would be much to his advantage, that without taking any part whatever in the proceedings he should go before the grand jury with his witnesses, and that if he is asked any question, he should say, my answer is by my witness, Mr. So-and-so?—That has been attempted in many cases; we tried it in the Central Criminal Court.

99. Do not you think that if you gave facilities for that being done it would tend to a better administration of justice?—It would impose a considerable check upon abuses, but if there were an arrangement, such as I have alluded to, no prosecution ought to be withdrawn without the permission of such authority. That could not of course check the falsehood that a person might utter when he came before the grand jury. I believe the arrangement made in the Central Criminal Court upon that head was, that whenever the grand jury required the attendance of the officer of the court, he was desired to attend; at first he attended for some time, and then the jury dispensed with his services.

100. My question was, whether supposing a certain district attorney is appointed, he should attend with the depositions before the grand jury?—No doubt that would be a great improvement. I think the better mode would be to render it unnecessary to go before the grand jury at all where the magistrate had committed a man for trial.

101. Would you apply that only to London, or to the country also?—I have seen the working of the present state of things also in the country, when I was there some years ago. I think that where the magistrates have, before the face of the person accused, decided that there was enough to put him upon his trial, it does not seem reasonable that gentlemen who know nothing of the matter should decide the contrary. I am not for the abolition of the grand jury, and I would leave it to the subject to go before the grand jury if he thought fit.

102. How would you separate between the cases which should go before the grand jury, and those which should not?—I think it should be done by positive statute.

103. In cases of common larceny, you would not have the intervention of a grand jury?—Certainly not; but the magistrates having committed the prisoner, his trial would follow upon the commitment, by which a great deal of expense would be saved. There would be the extra expense of employing the officer, but I think that the saving would almost compensate that; because undoubtedly the necessity of going before the grand jury gives parties an excuse for remaining in the assize town longer than they would otherwise do.

104. Have you turned your attention to the desirability or not of paying the

W. H. Bodkin, Esq.

29 February 1856.

prisoner's witnesses?—I think there may be cases in which it would be useful to give the court the power of doing that. I remember a case very well on our circuit where a man was charged with arson; he had indicated before the magistrate that there was some man, whom he named, who would prove something very much in his favour; the prosecutor, however, did not examine him, and he was not examined before the magistrate. When the case came on for trial, and this fact was communicated to the judge (I think it was the Lord Chief Baron) his Lordship desired that the case should be postponed, and that the witness should be sent for, it being shown to him that the man had not the means of bringing him to the assize town. That was a case in which great hardship and injustice might possibly have occurred, from the absence of the witness; and where, in an extreme case of that kind, it was made apparent to the judge that it was a proper thing to bring the witness, it might be desirable to give the judge the discretion of summoning him.

105. Would you give that power to the committing magistrate, or to the judge himself?—I would give that power to the judge himself; I think it of importance that the witnesses shall either be produced or named before the committing magistrate; if generally there was a power of allowing the expenses of witnesses for prisoners, you would find it open to great abuse.

106. *Chairman.*] Unscrupulous people would suggest witnesses that were not really necessary?—Unscrupulous people would suggest witnesses for the mere purpose of making costs, and also of defeating justice, by bringing people whom they would promise to pay for their time; but if they were compelled to state to the committing magistrate that witnesses were to prove such and such things for them, that would impose a check upon the subject.

107. Mr. *Miles.*] The committing magistrate could by some memorandum put that immediately before the judge?—Clearly; if the witnesses were produced, he might bind them over in the same manner as witnesses for the prosecution.

108. Do you think there would be any difficulty at all, instead of having this Board which you have suggested, in still allowing the power of prosecution to remain with the Attorney-general?—It would be, perhaps, substantially the same if the Attorney-general were a man of leisure enough to attend to it, but his office is so attended by such multifarious duties that it will be almost impossible, I should think; but if he remained the nominal head, and if he had assistance, it would be practically the same thing.

109. The Board, as you describe it, would be a paid Board; and if the Board were attached to the Attorney-general's office, instead of being a separate Board, would it not effect the same object?—Possibly.

110. Mr. *Ewart.*] Do not you think it is objectionable to have one man nominally the head of an office?—Perhaps I used the wrong term in my answer; if the Attorney-general were the presiding authority upon such a Board, they would have the benefit of his assistance upon questions of difficulty; but I do not think you could expect the Attorney-general could give time enough to attend to the details.

111. Would not you have an officer who could certainly give time enough?—No doubt.

112. Do you mean by the term Board, a staff who should go to the different districts of the country, and superintend public prosecutions?—I think they should have a competent staff.

113. Something more like the assisting barristers in Ireland?—I do not understand that there is any Board there; I do not know what their constitution is; they have assisting barristers in each county; but I am myself opposed in principle to the appointment of barristers to take any part in this proposed change.

114. *Chairman.*] Upon what ground are you opposed to it?—I think that the bar should remain perfectly untouched by this alteration, and that the officers who have the management of the cases, should be left to exercise their discretion as to whom they should employ. I should think in ordinary cases he would employ young men. In other cases where more knowledge and experience were wanted, he would take men of more standing; but if you were to appoint men to each circuit, you would have men appointed who were seniors, and perhaps, if I may say so, the least efficient, and you would almost entirely destroy the prospects of the remaining members of the bar.

115. Supposing it were conducive to the public good that such an alteration should

should be made, do you think the prospects of members of the bar ought to stand against it?—Not for a moment; but allow me to add, I think that if any state of things were to deprive the public of the attendance of the bar at the quarter sessions all over England, great public mischief would result.

116. Are you aware of the Scotch system of criminal prosecution?—I am aware generally of it, but I have no practical knowledge of it.

117. Are you aware whether it gives satisfaction or not?—I have no means of knowing; I believe it does; but then Scotland is not to be compared to England. The whole of Scotland is not equal to one county in England.

118. As a matter of principle, that principle contributes to justice in Scotland; though it is not so large as England, is there not population enough to try it?—When you ask about its giving satisfaction, the thin population of Scotland makes the experiment easier than it would otherwise be.

119. Are you aware of the Irish system?—No, I am not.

120. Have you turned your attention to the French system?—The French system is similar to that which I have been speaking of.

121. Mr. *Ewart.*] The population in France is greater than in England?—Yes.

122. Mr. *Miles.*] If Lord Brougham states that the conduct of cases in France is worse than that in England, would not that be a reason for sticking to the present system?—Yes; when I was in Paris lately, I heard a man tried for murder, and I thought I had no reason to blush for the English system.

123. Mr. *Ewart.*] Does not that opinion of Lord Brougham's allude rather to the mode of conducting the trials there, than to the system of public prosecution?—Yes.

124. Is there not a manifest distinction between the mode of doing the thing and the thing itself; is there not the same system of public prosecution in Ireland?—In Ireland there is the system of public prosecution by barristers.

125. *Chairman.*] You heard an observation quoted just now of Lord Brougham's; must not that be one of the evils that must arise from public prosecution?—Yes.

126. With reference to a question put to you just now as to frivolous prosecutions, Lord Campbell has given us to understand that there are many cases in which people have instituted prosecutions for the sake of being bought off; do you know of any such cases?—I think there are cases; but as far as I know, they are of very rare occurrence.

127. There are some remarkable cases of that sort?—Yes; they are remarkable from their scarcity.

128. Cases of perjury and conspiracy belong to that class?—Cases of perjury and conspiracy belong to that class. Persons who have been engaged in litigation get the worst of it in the contest; and then they turn about, and sometimes, from motives of mere revenge, prefer criminal charges against their adversary.

129. Do not they sometimes bring these charges with the view of being bought off?—Yes.

130. Are there not cases of this sort in indictments for perjury in answers in Chancery?—Yes, I have drawn many such indictments for perjury in answers in Chancery, which I confess very often have led to some arrangement between the parties; because, when I do not hear anything of the case afterwards, I conclude that the individuals have come to an arrangement; but I do not remember many cases in which the motive was corrupt.

131. With reference to policemen, have you any doubt at all that there are many cases in which they collude with the attorneys with whom they are acquainted?—I mentioned an instance of a constable colluding in a county town. In London the superior officer of police necessarily, if there is no attorney employed, takes the management of the case.

132. Do you consider that state of things an evil?—I consider it not the best mode, or the proper mode of conducting a criminal prosecution. I think the duties of the police constable and the attorney ought to be kept perfectly distinct.

133. Have you any doubt that considerable expense is incurred by employing several attorneys, all of whom must give their time and labour in several prosecutions in one assize town; whereas, if they were all in the hands of one attorney, a great deal of time, and journeying, and expense would be saved?—That is one reason

W. H. Bodkin, Esq.

29 February 1856.

reason among others why I suggest the appointment of one person in each district.

134. Does it appear to you that a good deal of expense would be saved at any rate in that way?—If you refer to the expense which now falls upon the public funds, it would add of course to that expense; but if you look at the outlay made by private prosecutors, in that case probably the expense would not be so great as it is at present. I hope I may be excused for saying that, as I have observed that some of the gentlemen who have been examined before this Committee entertain the notion of barristers being employed to get up cases, I think it would be in the highest degree objectionable that any members of the bar should be brought into personal contact with the witnesses to be examined on a criminal trial.

William Oakley, Esq., called in; and Examined.

W. Oakley, Esq.

135. *Chairman.*] WHAT is your occupation?—I am at present Governor of the County Gaol of Somerset, at Taunton.

136. Have you been for many years concerned in police affairs?—I have, for upwards of 20 years.

137. What situations have you held?—I entered the law very young, with a view to an appointment as clerk under the Metropolitan Police Courts Act; but in consequence of other arrangements respecting the then clerks to the justices, I entered the Essex county police, in which I served seven years, nearly four years of which I was chief superintendent at the headquarter station. I afterwards succeeded Sir William Carroll as chief of the police at Bath, which position I held three years, and then I took my present appointment.

138. Have you had considerable experience in criminal matters?—For upwards of 20 years I have had continued practical experience in criminal matters.

139. With regard to the manner in which the proceedings are now managed, does it appear to you that they sometimes fail for want of there being proper time and care devoted to the preparation of the evidence?—I have known many instances in which justice has been frustrated from there not being a proper prosecutor.

140. From the evidence not being properly methodized and arranged?—From the evidence not being properly arranged prior to its coming before the magistrates; the magistrates in various cases have remarked it, and I have myself, in many instances, both in Essex and Bath, for want of a proper officer to prosecute, had to attend and examine the witnesses before the magistrates and the coroner's jury. This has happened in several cases of murder, and others of very great importance to the public.

141. You being then the superintendent of the police?—I being then the superintendent of the police; and I have found my position an extremely anomalous one. I was obliged to have recourse to the advice of the clerk of the magistrates to enable me to get up the prosecution in anything like a satisfactory way.

142. If that had not been done, there would have been a failure of justice?—It is probable there would have been a failure of justice.

143. With regard to collusive proceedings, does your experience enable you to say whether there are many collusive proceedings in which parties withdraw their prosecutions, or do not give evidence for the sake of private advantage?—I have known many cases, and the present grand jury system affords every facility for such perversion of justice.

144. Would the appointment of a public prosecutor, in your opinion, have a tendency to check such proceedings?—Undoubtedly. I have known persons to be about the courts of assize and sessions merely for the purpose of what is termed picking up cases.

145. Persons in what class of life?—Low attorneys, or their clerks. There were three instances where it came to my knowledge prosecutors had not employed the persons who professed to appear for them, and who had prepared briefs merely upon speculation. I brought the matter before the court, and the expenses were disallowed. A case occurred before Mr. Miles, in which briefs were actually given by the same person, both for the prosecution and the defence.

146. Lord *Stanley*.] Were the briefs given by the same attorney?—The briefs were given by the same attorney.

147. That appears to you to be a great evil?—Yes; there must be a failure of justice in such a case. I am aware that there is a very great evil arising from the facts not coming properly before the grand juries, and there is certainly a failure of justice. Great evils arise under the present system of grand juries, where there is no proper person to attend with the depositions before the grand jury. I have known instances where bills have been thrown out, entirely from the true facts not being stated. I have also known instances where improper prosecutions have taken place, the same evidence not being given before the grand jury as was given before the magistrates.

148. What remedy would you suggest for that?—I would suggest the appointment of public prosecutors, and drop the operation of grand juries in cases which have been carefully investigated by the magistrates, except in cases (of which there are a great many) in which witnesses are to appear before the court of whom the prisoners or persons charged have no previous intimation; it is only fair to persons charged with offences that they should have notice of the witnesses that are to be brought against them; and in those cases the evidence should be taken in the presence of the prisoners, either before the magistrates or before the grand jury.

149. With regard to another matter that has been spoken of, viz., the paying witnesses for prisoners by the State, does it appear to you that that might be managed without any great abuse taking place?—I think it is only just that it should be done, and that the control should be either with the committing magistrates or an officer of the court; power should be given, so that there should be some such check as Mr. Bodkin suggested. I do not see how it could well be carried out; if left until the opening of the court to subpœna the witnesses, there might not be sufficient time.

150. It has been suggested, that after the magistrate has taken the depositions no new witnesses should be allowed to be produced; would not that be a sort of check?—That would be hardly fair to either the prosecution or the defence, because until the evidence has been given before the magistrate, it is impossible to tell so clearly what the charge is, or what witnesses are necessary, as can be done afterwards.

151. When the charge is made, the prisoner may say "I can prove that I was at such a place, or doing so-and-so at the time; or that So-and-so gave me the things; I am charged with stealing, may such a witness be called?" would it, in your opinion, be desirable that an opportunity should be given for granting such a request?—I think that would be very proper, and that it would prevent abuse if the prisoner were required to state at some fixed time what witnesses he would call; but I must add that the prisoner might not know at the time of the examination before the magistrate that there were persons who could clear him, and important witnesses might subsequently be heard of.

152. I suppose you would agree with the opinion, that without some check there are classes of practitioners that would make an improper use of this privilege?—I have had repeated instances to justify such an opinion. Perhaps the Committee will allow me to mention that I think it is a great evil that the court has no power to pay witnesses where there is no committal. I had one case in particular, where a girl was charged with arson, and two poor labouring men had to come a distance of about 20 miles to attend the petty sessions; the case appeared very strong against the prisoner, who was remanded, and these witnesses had to attend on three several occasions, coming that distance entirely at their own cost, there not being any committal. It was a very great hardship; and I have known many other instances of a similar kind. If there were a public prosecutor, with power to order payment of the expenses of those whom he considered indispensable to come before him, that would remedy the evil. Although I am perfectly sure that the magistrates have no knowledge of the fact, evidence is frequently exaggerated with the view to obtain a committal, and the case breaks down before the grand jury, the object being to secure the expenses; I have known many instances of that kind, and I am sure that the alteration I have suggested would save expense.

153. Lord *Stanley*.] Have you anything to add to what you have stated to the Committee?—I perfectly agree with what Mr. Bodkin said as to the necessity for the establishment of some central Board for the purpose of conducting

W. Oakley, Esq.

29 February 1856.

ducting criminal prosecutions. District officers should be appointed, who, I think, should be the clerks to the magistrates; not that the clerk of every petty sessional division need be appointed, but one or more divisions consolidated.

154. *Chairman.*] Do you admit that there are many evils in the present system?—I do.

155. Has your experience led to the conviction that they are serious evils?—Yes; offenders escape, and injustice is frequently committed under the present system; I have found great advantage in having the assistance of clerks to magistrates to help me to get up cases for prosecution; and frequently have known prosecutions fail from the cases not being properly brought before the magistrates.

156. Do you wish to add anything to your evidence?—Nothing more occurs to me. Being here without notice, I am not prepared with memorandums I have, which would more fully bear out my opinion on the subject.

REPORT

FROM THE

SELECT COMMITTEE

ON

PUBLIC PROSECUTORS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed*,
9 *May* 1856.

206.

Under 8 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

ST. JAMES'S PARK;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
7 *March* 1856.

Lunæ, 25° die Februarii, 1856.

Ordered, That a Select Committee be appointed to consider the best means of Communication between those parts of the Metropolis which lie North of the St. James's Park and those parts which lie South and South-west thereof, and to Report thereupon to The House.

Ordered, That the Paper presented on 18 February be referred to the said Committee.

Martis, 26° die Februarii, 1856.

Committee nominated of,—

Sir Benjamin Hall.
Lord John Manners.
The Chancellor of the Exchequer.
Mr. Disraeli.
Lord Robert Grosvenor.
Lord Hotham.
Sir Joseph Paxton.
Mr. Stephenson.
Sir John Shelley.
Mr. Hutchins.
Colonel Boldero.
Mr. Drummond.
Mr. Stuart Wortley.
Colonel Wilson Patten.
Mr. Milnes.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Veneris, 7° die Martii, 1856.

Ordered, That the Committee have power to report the Minutes of Evidence taken before them to The House.

REPORT - - - - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - - p. v
MINUTES OF EVIDENCE - - - - - - - - - - p. 1

REPORT.

THE SELECT COMMITTEE appointed to consider the best Means of Communication between those Parts of the Metropolis which lie North of the SAINT JAMES'S PARK and those Parts which lie South and South-west thereof, and to report thereupon to The HOUSE, and who were empowered to report the MINUTES OF EVIDENCE taken before them to The HOUSE;——HAVE considered the Matters to them referred, and agreed to the following REPORT:

YOUR COMMITTEE have considered the best means of Communication between those parts of the Metropolis which lie north of St. James's Park, and those parts which lie south and south-west thereof, and are of opinion that on the whole the best means of Communication may be found through the area of St. James's Park, though Your Committee suggest that to any considerable increase of traffic in the Royal Parks there are grave objections.

Your Committee have to report that they have considered the two Plans referred to them by an Order of The House of the 18th February last.

Plan No. 1 is a road commencing in Pall Mall, at the present entrance to Marlborough House, passing through the building now used as a German Chapel, and running along the centre of the paved way leading to the Mall, between the gardens of St. James's Palace and Marlborough House. It crosses the Mall upon a level, enters the enclosed ground, and continues on the same level until it reaches a point about fifty yards within the railing. Thence the ground falls eight feet to the water's edge, and the road is carried on a rise of one foot in fifty feet, which gives a headroom of ten feet nine inches over the walk now existing near the water, thus allowing access from one side of the roadway to the other. The road is carried over a bridge, and is continued on the south side of the water, much in the same manner as on the north side, terminating in the Birdcage Walk, immediately opposite to Queen's Square.

Plan No. 2 is a line carried through Cleveland-row, by widening it on the north side, so that the road may be taken nearly in continuation of the north side of Pall Mall. It passes in front of Bridgewater House, through Lord Sidney's House, and into the Green Park. It thence makes a curve to the north-west angle of the Mall, and passing in front of Buckingham Palace takes its course to Buckingham Gate, near the Duchy of Cornwall Office.

Your Committee have also considered the expediency of opening a road from Waterloo-place at a point marked F in the Plan, proceeding southwards to the Mall at a point marked G, near the base of the steps of the mound on which the Duke of York's Column stands, and thence again southwards to another point marked H, near Storey's Gate.

They have further considered another Plan, of an opening from the point marked G, to another point marked K, which is the site of the Globe Insurance Office, in Charing Cross.

Although Plan No. 1 would undoubtedly offer much facility of communication between those parts of the Metropolis which lie north and south of St. James's Park, Your Committee are of opinion that it would not be desirable to intersect the ornamental gardens of the Inclosure, as proposed by that Plan.

With regard to Plan No. 2, Your Committee are informed by the Evidence that the expense of making such a line would be very great, the proximate estimates being no less than 163,250 *l.*; and they are also of opinion that the Green Park would be much damaged if a road was made through it, as that road must necessarily be railed in on each side.

Your Committee, therefore, venture to recommend that it would be desirable, in order to effect a communcation between Pall Mall and Pimlico, to make so much of the road which is proposed in Plan No. 1, as lies between the entrance to Marlborough House and the Mall; that the line should be continued along the road now used on the north side of the Mall to a point marked E at the western end of that road, and thence to Buckingham Gate. This line is coloured black upon the Plan. The road thus opened for the use of the public might be enclosed in the same manner as the drives in Hyde Park are now fenced.

The probable cost of the opening from Pall Mall, and the necessary works, including the taking down and rebuilding the German Chapel, exclusive of purchase of site for the new Chapel, would be about 25,000 *l.*; but the actual cost must depend upon the sums which may be awarded to the Commissioners of Land Revenue, the Trustees of the property on which Marlborough House stands, and the lessee of the house No. 66, Pall Mall.

Your Committee would also recommend that a foot-bridge be thrown over the water in the Inclosure, so as to form a communication from one side to the other.

With regard to a road from Waterloo Place to Storey's Gate, Your Committee are of opinion that a line of communication should be made, and that the Duke of York's Column should be removed. The cost of this line, including the removal and rebuilding of the Column, would be about 30,000 *l.*

As regards an opening from the Park to Charing Cross, Your Committee are not prepared to recommend that such an opening be made at present, but they are of opinion that an opening for carriages should be made from Trafalgar Square to the Park.

7 March 1856.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 3° *die Martii*, 1856.

MEMBERS PRESENT:

Sir B. Hall.	Mr. Hutchins.
Lord Hotham.	Sir J. V. Shelley.
Mr. Drummond.	Sir J. Paxton.
Mr. M. Milnes.	Mr. Disraeli.
Mr. Stephenson.	Colonel Boldero.

Sir BENJAMIN HALL was called to the Chair.

Paper presented to The House on February 18th, and referred, read.

Committee deliberated.

[Adjourned till To-morrow, at Twelve o'clock.

Martis, 4° *die Martii*, 1856.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Monckton Milnes.	Colonel W. Patten.
Sir J. Paxton.	Mr. Hutchins.
Lord Hotham.	Lord John Manners.
Mr. Stephenson.	Sir John V. Shelley.
Mr. Disraeli.	Lord Robert Grosvenor.

Mr. *Pennethorne*, and Mr. *Robert Bowley*, examined.

Committee deliberated.

[Adjourned till One o'clock on Friday.

Veneris, 7° *die Martii*, 1856.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Hutchins.	Sir John V. Shelley.
Lord Hotham.	Lord John Manners.
Sir J. Paxton.	Mr. Disraeli.
Mr. Drummond.	Mr. M. Milnes.

Report proposed by the Chairman, read, as follows:—

"1. Your Committee have to report, that they have considered the two Plans referred to them by an Order of The House, of the 18th February last:—

"2. Plan No. 1 is a Road commencing in Pall Mall at the present entrance to Marlborough House, passing through the building now used as a German Chapel, and running along the centre of the paved way leading to the Mall, between the gardens of St. James's Palace and Marlborough House. It crosses the Mall upon a level, enters the enclosed ground, and continues on the same level until it reaches a point about 50 yards within the railing. Thence the ground falls eight feet to the water's edge, and the road is carried on a rise of one foot in 50 feet, which gives a headroom of ten feet nine inches over the walk now existing near the water, thus allowing access from one side of the roadway to the other. The road is carried over a bridge, and is continued on the south side of the water much in the same manner as on the north side, terminating in the Birdcage Walk, immediately opposite to Queen-square.

"3. Plan No. 2 is a line carried through Cleveland-row by widening it on the north side, so that the road may be taken nearly in continuation of the north side of Pall Mall. It passes in front of Bridegwater House, through Lord Sidney's house, and into the Green Park. It thence makes a curve to the north-west angle of the Mall, and passing in front of Buckingham Palace, takes its course to Buckingham Gate, near the Duchy of Cornwall Office.

"4. Your Committee have also considered the expediency of opening a road from Waterloo-place, at a point marked F in the Plan, proceeding southwards to the Mall at a point marked G, near the base of the steps of the mound on which the Duke of York's Column stands, and thence again southwards to another point, marked H, near Storey's Gate.

"5. They have further considered another Plan, of an opening from the point marked G, to another point marked K, which is the site of the Globe Insurance Office, in Charing Cross.

"6. Although Plan No. 1 would undoubtedly offer much facility of communication between those parts of the metropolis which lie north and south of St. James's Park, Your Committee are of opinion that it would not be desirable to intersect the ornamental gardens of the Inclosure, as proposed by that Plan.

"7. With regard to Plan No. 2, Your Committee are informed by the evidence that the expense of making such a line would be very great, the proximate estimate being no less than 163,250 *l.*; and they are also of opinion that the Green Park would be much damaged if a road was made through it, as that road must necessarily be railed in on each side.

"8. Your Committee therefore venture to recommend that it would be desirable, in order to effect a communication between Pall Mall and Pimlico, to make so much of the road which is proposed in Plan No. 1 as lies between the entrance to Marlborough House and the Mall: that the line should be continued along the road now used on the north side of the Mall to a point marked E at the western end of that road, and thence to Buckingham Gate. This line is coloured black upon the Plan. The road thus opened for the use of the public might be enclosed in the same manner as the drives in Hyde Park are now fenced.

"9. The probable cost of the opening from Pall Mall, and the necessary works, including the taking down and rebuilding the German Chapel, exclusive of purchase of site for the new chapel, would be about 25,000 *l.*, but the actual cost must depend upon the sums which may be awarded to the Commissioners of Land Revenue, the Trustees of the property on which Marlborough House stands, and the Lessee of the House, No. 66, Pall Mall.

"10. Your Committee would also recommend that a foot-bridge be thrown over the water in the Inclosure so as to form a communication from one side to the other.

"11. With regard to a road from Waterloo Place to Storey's Gate, Your Committee are of opinion that a line of communication should be made, and that the Duke of York's Column should be removed. The cost of this line, including the removal and rebuilding of the Column, would be about 30,000 *l.*" This plan is coloured Green.

"12. As regards an opening from the Park to Charing Cross, Your Committee are not prepared to recommend that such an opening be made at present."

Amendment proposed, to insert before the first paragraph the following words:—"Your Committee have considered the best means of communication between those parts of the metropolis which lie north of St. James's Park, and those parts which lie south and south-west thereof, and are of opinion that, on the whole, the best means of communication may be found through the area of St. James's Park, though Your Committee suggest that to any considerable increase of traffic in the Royal Parks there are grave objections." (Mr. *Disraeli*). Amendment proposed to the said proposed amendment, to leave out the words, "Though Your Committee suggest that to any considerable increase of traffic in the Royal Parks there are grave objections." (Mr. *M. Milnes*):—Question, "That those words stand part of the proposed amendment," put.—Committee divided:

Ayes, 6.	Noes, 4.
Lord Hotham.	Mr. Hutchins.
Mr. Drummond.	Sir J. Paxton.
Lord John Manners.	Sir John Shelley.
Mr. Disraeli.	Mr. M. Milnes.
Lord Robert Grosvenor.	
Mr. Stuart Wortley.	

Question, that the words "Your Committee have considered the best means of communication between those parts of the metropolis which lie north of St. James's Park, and those parts which lie south and south-west thereof, and are of opinion that on the whole the best means of communication may be found through the area of St. James's Park, though

though Your Committee suggest that to any considerable increase of traffic in the Royal Parks there are grave objections," be there inserted, put.—Committee divided:

Ayes, 7.	Noes, 3.
Lord Hotham.	Mr. Hutchins.
Sir J. Paxton.	Sir J. Shelley.
Mr. Drummond.	Mr. M. Milnes.
Lord John Manners.	
Mr. Disraeli.	
Lord Robert Grosvenor.	
Mr. Stuart Wortley.	

1st paragraph in proposed Report read, and agreed to.

Amendment proposed, after the first paragraph to insert the following paragraph, "Your Committee are therefore of opinion, that any new accommodation offered should be restricted to passenger traffic," (Lord *John Manners*):—Question, "That this paragraph be there inserted," put.—Committee divided:

Ayes, 5.	Noes, 6.
Mr. Hutchins.	Lord Hotham.
Sir J. Paxton.	Mr. Drummond.
Sir J. Shelley.	Mr. Disraeli.
Lord John Manners.	Lord Robert Grosvenor.
Mr. M. Milnes.	Mr. Stuart Wortley.
	Colonel Boldero.

2d, 3d, 4th, 5th and 6th paragraphs read, and agreed to.

Paragraph 7 read, and agreed to.

Paragraph 8 read:—Question put, "That this paragraph stand part of proposed Report."—Committee divided:

Ayes, 8.	Noes, 3.
Mr. Hutchins.	Mr. Drummond.
Lord Hotham.	Mr. Disraeli.
Sir J. Paxton.	Mr. Stuart Wortley.
Sir J. Shelley.	
Lord John Manners.	
Mr. M. Milnes.	
Lord Robert Grosvenor.	
Colonel Boldero.	

Paragraph 9 read, and agreed to.

Paragraph 10 read:—Question put, "That this paragraph stand part of proposed Report."—Committee divided:

Ayes, 5.	Noes, 5.
Lord Hotham.	Mr. Hutchins.
Sir J. Shelley.	Sir J. Paxton.
Mr. M. Milnes.	Lord John Manners.
Lord Robert Grosvenor.	Mr. Disraeli.
Mr. Stuart Wortley.	Colonel Boldero.

The Chairman declared himself with the Ayes.

Paragraph 11 read:—Amendment proposed, to leave out the words "That a line of communication should be made," (Colonel *Boldero*):—Question, that these words stand part of the paragraph, put.—Committee divided:

Ayes, 5.	Noes, 5.
Mr. Hutchins.	Lord Hotham.
Sir J. Paxton.	Lord John Manners.
Sir J. Shelley.	Mr. Disraeli.
Mr. M. Milnes.	Lord Robert Grosvenor.
Mr. Stuart Wortley.	Colonel Boldero.

The Chairman declared himself with the Ayes.

Paragraph 11 agreed to.

Paragraph 12 read, amendment proposed, to add to the paragraph these words: "But they are of opinion that an opening for carriages should be made from Trafalgar Square

to the Park;" (*Sir Joseph Paxton*). Question, "That these words stand part of proposed paragraph," put.—Committee divided:

Ayes, 5.	Noes, 5.
Mr. Hutchins.	Lord Hotham.
Sir J. Paxton.	Lord J. Manners.
Sir J. Shelley.	Mr. Disraeli.
Mr. M. Milnes.	Lord R. Grosvenor.
Mr. S. Wortley.	Colonel Boldero.

The Chairman declared himself with the Ayes.

Paragraph, as amended, put and agreed to.

Question, "That this Report be the Report of the Committee," put and agreed to.

Question, "That the Minutes of Evidence taken before the Committee be reported to The House," put and agreed to.

Ordered to Report.

MINUTES OF EVIDENCE.

Martis, 4° die Martii, 1856.

MEMBERS PRESENT.

Sir Benjamin Hall.
Sir Joseph Paxton.
Mr. Disraeli.
Lord Hotham.
Colonel Wilson Patten.
Mr. Stephenson.
Mr. Hutchins.
Lord John Manners.
Mr. Monckton Milnes.
Lord Robert Grosvenor.
Sir John Shelley.

SIR BENJAMIN HALL, BART., IN THE CHAIR.

James Pennethorne, Esq., called in; and Examined.

J. Pennethorne, Esq.
4 March 1856.

1. *Chairman.*] YOU are Architect to the Office of Works, I believe?—Yes.

2. Were not you instructed some time ago to make a plan of two roads, one commencing in Pall Mall, passing through the German Chapel, crossing the Mall, crossing the water in St. James's Park, and terminating in the Birdcage-walk, immediately opposite Queen-square?—Yes.

3. Have you a copy of that plan with you?—Yes.

4. I see you have placed certain letters, A, B, and C, upon that plan; will you be good enough to inform the Committee what the cost will be, commencing at A, which is in Pall Mall, and immediately in front of the north of the German Chapel, and terminating at B, which is the entrance of the paved road into the Mall, and what you propose to do in that part of the line?—The cost of the portion of the road marked A, B, upon the plan, which is the portion referred to, I estimate at 20,900*l.*

5. For that expenditure of 20,900*l.* what do you propose to do?—To form a road from Pall Mall to the Mall; to do which it would be necessary to take down the German Chapel, to erect iron railings on the west side of the road, to enclose St. James's Palace; and on the east side of the road to enclose Marlborough House.

6. Do you propose to do anything with the houses in Pall Mall?—Only to pull down one house, No. 66.

7. Is the cost of the destruction of No. 66, included in the sum of 20,900*l.*?—Yes, as far as respects the interest of the Land Revenue; for the Commissioners of Woods have power to resume possession of this house at any time, on giving six months' notice.

8. You propose to commence in Pall Mall by taking down No. 66; then you go through the first entrance of Marlborough House; then you take down the German Chapel, travel along the paved road which lies between St. James's Palace and Marlborough House Gardens, and terminate, so far as this branch of the road is concerned, near the two great elm trees which form part of the side of the Mall?—Exactly.

9. Mr. *Hutchins.*] Did I understand you to say that the road was to be railed all the way from the German Chapel to the Mall on both sides?—Yes.

J. Pennethorne, Esq.

4 March 1856.

10. Would there be any inconvenience provided the railings were not put?—I apprehend that on the one side, on the side of Marlborough House, you would be compelled to do it, as you must enclose the courtyard of Marlborough House; and the same inconvenience which would arise in regard to Marlborough House would arise in regard to St. James's Palace.

11. From the present fence of Marlborough House down to Pall Mall, would there be any necessity for inclosure?—Yes.

12. *Chairman.*] What would be the width of the road between the railings which you propose to put up?—All the roads upon which I shall give evidence to-day are supposed to be 50 feet wide.

13. Continuing the line on from B to C in the first instance, do you propose to cross the Mall upon a level?—Yes.

14. Then you enter the Inclosure through the iron railing; how far do you go upon a level inside the Inclosure?—For 70 yards.

15. Upon the present surface?—Upon the present surface; and then there is to be a bridge over the water.

16. What would the rise be?—The rise would be 1 foot in 50.

17. And what is the fall of the ground at the point at which you commence the rising?—The fall of the ground to the water is considerably steeper than that.

18. Then in consequence of the fall of the ground, and the rise which you propose to make in the roadway to the top of the bridge, there would be a headway under that embankment, by which persons might go from one side of the embankment to the other?—There would be a clear headway of 10 feet 9 inches, and it is proposed to connect the walks of the Park from one side to the other by means of a colonnade underneath the embankment close to the water, and open on the side next the water.

19. Then, passing over the water, will there not be an embankment of a somewhat similar character on the other side?—Precisely the same, with the same colonnade; the walks are 20 feet wide, and they will be carried underneath by a colonnade with three openings.

20. That will terminate in the Birdcage-walk at a point that you have marked C in the plan you have handed in?—On the south side of the Park it will fall into the present level again; much nearer to the water than the Birdcage-walk.

21. What would be the cost of that work from B on the north side of the Mall to C on the north side of the Birdcage-walk?—The total cost of the work I have estimated at 29,480 *l.*

22. That includes the bridge, the embankments, the colonnades, and all the works connected with it?—Yes.

23. How would the walks in that part of the Inclosure which lies north of the water be interfered with?—The walks near to the water would only be very slightly diverted to pass under the colonnades.

24. A few feet?—Only a few feet. The walks nearer to the Birdcage-walk and to the Mall would have to cross the road on the level.

25. Mr. *Hutchins.*] What would be the height of the embankment at the highest point?—It would be about 10 feet 6, or 11 feet; but the surfaces of the ground would be formed to it by very gradual slopes on each side, so as merely to appear like easy slopes.

26. Sir *J. Paxton.*] What is the gradient from the centre of the arch to C?—It is the same on both sides, 1 in 50.

27. Mr. *Stephenson.*] You have drawn the bridge of the same width as the road; do you intend the bridge to be as wide as the road?—Precisely the same.

28. Mr. *Disraeli.*] What is the size of St. James's Park, irrespective of the Green Park?—I do not recollect exactly; altogether it is about 90 acres; of which about 65 acres are, I think, within the Inclosure.

29. Sir *J. Paxton.*] Have you been guided as to your position of the bridge by the road from Marlborough House?—Yes, and so also as to cross the water at right angles.

30. Otherwise, perhaps, you would not have put it in exactly the same position?—I was guided by the road that comes to this part from Marlborough House, and also from the opening of Queen-square.

31. What widths do you allow for the footpaths in entering from Pall Mall?—They are 10 feet wide.

32. Leaving 30 feet for the road?—Yes.

33. Colonel *W. Patten.*] What do you make the expenditure from B to C?—The first part is 20,900 *l.*, and the next is 29,480 *l.*

34. What have you given for the bridge?—Exactly 20,000 *l.*

35. Is the bridge to be a stone one or an iron one?—An iron bridge with stone piers.

36. Does that drawing correctly represent the appearance which the bridge will have when it is completed?—That is merely an outline of it; I have a drawing here which will show it.

37. Does that represent the style of the bridge?—Yes.

38. Sir *J. Paxton.*] You must necessarily do it in that form, on account of the small rise of the arches?—Yes.

39. *Chairman.*] The total cost from A to B will be 50,380 *l.*, from the estimate you have handed in?—Yes, 50,380 *l.*

40. Colonel *W. Patten.*] Does the estimate that you have just given of the bridge include all we see here?—Yes, everything.

41. What is about the height of these statues?—They would be eight feet in height.

42. What will they be made of?—Stone.

43. Sir *J. Paxton.*] Did it ever occur to you when you were laying out this plan to make a spur from the water side, one part leading towards Great George-street, making a direct road to the Houses of Parliament, and the other going off to Pimlico?—No; I should have been afraid of cutting up the Park.

44. Supposing that to be done, it would make a very direct road both ways?—It would not gain in distance or time sufficient for the extra cost; but as I have not gone into that, I am not prepared to answer the question fully.

45. Mr. *Stephenson.*] By your proposed plan, which you have just now described, the only footway communication that would exist between one side of the Park and the other would be that through the colonnades, close to the water?—The only uninterrupted one would be under the colonnades.

46. Therefore it would be an entire severance of the Park into two portions, excepting close to the water's edge?—Yes; the walks would be divided, but the gates would directly face each other upon the level.

47. Do not you propose to carry the other footpaths over the embankments and across the public thoroughfare?—Not over the embankments; across the public thoroughfare, upon the present level.

48. It would be across the public thoroughfare?—Yes.

49. Colonel *W. Patten.*] Must it be railed of?—It must be railed off, if it is to be open at night; that question would depend entirely upon whether it is to be open at night or not.

50. Sir *J. Paxton.*] Do you propose to fence it in across the Mall?—Not across the Mall, only across the Inclosure.

51. Would not the present footpaths exist just the same as they do now, close to the Mall, and close to the Birdcage-walk, only that they would cross the public road?—Yes.

52. Mr. *Hutchins.*] Which public road, if it was to be open at night, would have to be fenced the whole way?—Yes.

53. Mr. *M. Milnes.*] About how many yards within the railing would the road go on a level with the ground on each side of it?—Seventy yards.

54. Then for 70 yards the garden communication would remain as it is, except that the paths would traverse the public road?—Yes.

55. Mr. *Hutchins.*] What would be the length of the embankment from the time you start off from the level till you get to the bridge?—About 56 yards.

56. That is in going from nothing to 10 feet in height?—Yes; but then the 10 feet arises partly from the descent to the water, and partly from the ascent to the bridge, and would be entirely concealed by the gradual slopes and plantations.

57. Sir *J. Paxton.*] What height is the springing of your arches from the water?—About seven feet.

58. How much is it to the crown of the arches?—Twelve feet.

59. Colonel *W. Patten.*] Have you had anything to do with making the plan

J. Pennethorne, Esq.

4 March 1856.

of the road beyond this into Westminster, which is shown upon your plan?—That is merely put in as showing how the road might be continued into Victoria-street, if at any time it should be thought proper by other parties to continue it.

60. *Chairman.*] Now I wish to draw your attention to the second plan which you were instructed to draw, and which is denoted by the letters D and E. I apprehend by this plan you propose to take down the north side of Cleveland-row to Lord Ellesmere's stables, and thence to pass in front of Bridgewater House, through Lord Sidney's house, and through Sir James Matheson's property, thence into the Green Park, and by a turn to the south to come to the point E, which is nearly in front of Buckingham Palace; is that so?—Yes.

61. Will you be good enough to state to the Committee what the expense of that line would be, commencing at the south-east corner of Cleveland-row?—The total estimated cost of that line would be 163,250 *l.*

62. To whom does the property chiefly belong between the point marked D and the Green Park?—A great portion of the property belongs to the Commissioners of Land Revenue; it is on lease, but the leases will expire in October 1861.

63. How much of the property does belong to the Commissioners of Land Revenue, and is under lease, as you have stated?—All the property on the north side of Cleveland-row and part of Sir James Matheson's house. Sir James Matheson has a longer lease.

64. But still it is a lease under those Commissioners?—Yes.

65. What is the tenure of Lord Sidney's house?—Freehold.

66. What is the distance from D to E?—About 1,500 feet.

67. Sir *J. Paxton.*] What is the distance from A to E, by B?—One thousand nine hundred and fifty feet.

68. Mr. *Disraeli.*] Do you propose that this road should be railed in?—If it is to be open at night it must be railed in.

69. *Chairman.*] If it is open at night, and consequently railed in, there will be a complete bisection of the Green Park?—Yes, quite so.

70. Mr. *Stephenson.*] Will not the present footpaths have to be re-arranged?—They will then have to be re-arranged.

71. But even when re-arranged they will have to cross the public thoroughfare?—Yes.

72. Colonel *W. Patten.*] Do you know the present extent of the Green Park?—I do not remember exactly.

73. Is it about 30 acres?—More than that; it is very nearly as large as St. James's. I believe it is about 60 acres.

74. Mr. *M. Milnes.*] Have you ever contemplated, in any case, removing the block of houses of which Sir James Matheson's is the corner house?—This plan supposes that they will be removed.

75. Are we to understand that by this plan all the houses will be removed between Stafford House and Bridgewater House?—All which belong to individuals will be removed. Lord Warwick's House and the portion of the Palace that faces Stafford House need not be touched, though the improvement would not be complete without their removal.

76. Sir *J. Paxton.*] Does not a great part of the expense of this road consist in the purchasing of buildings?—The greater part of the expense is the purchasing of the property.

77. Have you taken into consideration the increased value of the frontage along the side of Cleveland-row?—There will be but little ground left, and what there will has been taken credit for.

78. This great square block does not belong to it?—Not all that.

79. It is not suited to make good buildings upon?—There would be depth for houses, but not very deep houses.

80. Have you not estimated what would be the cost of clearing away the whole space between Stafford House and Bridgewater House?—No; because that belongs to the Crown, and was not an essential part of the plan.

81. Would it be in the power of the Crown to do it at any time?—All except Warwick House; it would be necessary to buy that from Lord Warwick.

82. Colonel *Wilson Patten.*] How do you propose to deal with the north of Cleveland-row; when it is cleared away, what will remain?—There will be open ground

ground for building, and although it would not be very deep ground, it would be sufficient for building houses.

83. Do you take down all that appears upon the blue line?—Yes; that blue line shows the width of the road.

84. Is all that you would take down the property of the Commissioners of Land Revenue?—Yes.

85. Is that on lease?—It is all on lease up to the year 1861, and Sir James Matheson's and part of Russell Mews are on long leases. I have here an imperfect plan (*producing the same*); the yellow shows the line of road, the red shows the building ground which will be left.

86. What is the dark part of that plan?—The dark shows houses which it would be too expensive to purchase; they are not required for the improvement. We take down up to the block of stables which have lately been built by the Duke of Sutherland.

87. Sir *J. Parton.*] This is 450 feet nearer than the other branch is?—Yes.

88. One hundred and fifty yards?—Yes.

89. *Chairman.*] Your attention has been directed to another plan for making a road from Waterloo-place, between the Athenæum and the United Service Club-houses, by the Duke of York's Column, then to the Mall to the west of the Parade, and thence to Storey's Gate; this you have marked upon the plan, F, G, and H. Will you be good enough to inform the Committee what you consider will be the cost of making that road; stating first the cost of the road from F, the point immediately opposite the lamp-post in Waterloo-place, down to G, which is the foot of the steps of the Duke of York's Column?—I have estimated it in two ways. The first would be, supposing the Duke of York's Column to be left standing, and the ground lowered round it as much as 3 feet 6, making inclines on either side up to Carlton-house Terrace; and the other is, supposing the Duke of York's Column to be entirely removed and rebuilt somewhere else, and the road made directly down to the Park from Waterloo-place. The first, supposing the Duke of York's Column to be left standing, is estimated at 4,800*l.*; and the second, if the Duke of York's Column is to be removed, at 12,800*l.*

90. Colonel *W. Patten.*] Do you contemplate the re-erection of the Column in some other place?—Yes, that sum includes the re-erection of the Column.

91. *Chairman.*] Have you a section of the road which you propose making?—I have (*producing the same*). Perhaps I had better state, as regards the estimates, that they are subject to after correction, when the working drawings and the works to be done have been determined upon; but as regards the Duke of York's Column I am certain, because I have an offer from a builder to take it down and rebuild it anywhere within a quarter of a mile for 5,000 *l.*

92. All the estimates that you have prepared and handed in must be considered by the Committee as proximate estimates, except that in relation to the Duke of York's Column, which you have an offer from a builder to undertake for 5,000 *l.*?—Yes. What I wish is to guard myself from being misunderstood in using the word "estimate," because at present I have not sufficient data to found them on. As far as I have information, I have made them to the best of my judgment.

93. With reference to the plan which you first proposed, of not removing the Duke of York's Column, how do you propose to carry the road in regard to the level from the south side of Pall Mall, opposite the lamp-post?—The road would ascend, as far as Carlton-house Terrace, 3 feet 6 less than it does now; that is to say, we shall lower the road around the Column 3 feet 6.

94. And where the Column stands, what will the inclination be?—From where the Column stands to the Park there will be an inclination of 5 feet in 100 feet.

95. Will not the fact of its being carried nearly at a level, from Pall Mall to the base of the Duke of York's Column, prevent the view of the Park from persons coming down Waterloo-place into Pall Mall?—I think the effect of it altogether will be bad; it is not carrying it on a level from Pall Mall; it is ascending from Pall Mall, and then ascending again right and left to Carlton-house Terrace; the effect will not be good; and the descent from the Column to the Park would be an inclination of 5 feet in 100, which is more than is desirable. I do not mean to say that there are not streets in London steeper than that, but it is more than is desirable.

J. Pennethorne, Esq.

4 March 1856.

96. Mr. *Hutchins.*] What is the inclination of St. James's-street?—The steepest part of St. James's-street is 4 in 100; this will be 5 in 100.

97. *Chairman.*] Supposing the Duke of York's Column was to remain, and the road to be carried right and left of the Column, what would be the width of the roadway on each side of the Column, exclusive of the footway?—We should only have on each side of the Column 22 feet altogether for the road and footway; therefore it would be very narrow indeed; it would allow but one carriage to pass at a time, unless an encroachment were made upon the gardens belonging to the Prussian Embassy and Sir Matthew White Ridley, which would be unadvisable.

98. Mr. *Hutchins.*] How do you intend to protect the Duke of York's Column?—It would only be necessary to increase the plinth of the pedestal, which is too low; adding on 3 feet 6 to it, would rather improve it.

99. The Duke of York's Column would then lie between the two roads?—Yes.

100. Sir *J. Paxton.*] Do not you think that the inclination 1 in 20 is very steep?—It is.

101. According to this plan the evil cannot be remedied?—No.

102. Mr. *Hutchins.*] What widths of road do you propose in order to give you only 22 feet on each side?—That is the present space.

103. What width would the main road be?—After that it would become 50 feet.

104. Mr. *Stephenson.*] What would be the level of the new road as compared with the present space in front of Carlton Terrace?—It will be 3 feet 6 lower than the present space.

105. The same as the Column?—It would be 3 feet 6 at the centre of the road.

106. How do you propose to deal with the road that runs in front of the houses in Carlton Terrace?—We shall have to slope it down right and left in front of the houses I have mentioned.

107. Then the access to those houses will have to be made by steps on the present pavements?—The doors are at some little distance; but there is no doubt we shall be obliged to have steps.

108. *Chairman.*] You have stated your views in relation to the road, supposing the Duke of York's Column to be continued; I now ask you what would be the line of road supposing the Duke of York's Column to be taken down; according to the section, it appears that you will commence your fall in Pall Mall immediately opposite the north-west angle of the United Service Club, and will continue it on a gradual inclination to the Mall?—Yes.

109. What would be the fall of ground from Pall Mall down to the Mall?—It would be a fall of 3 feet 6 in 100 feet.

110. Would not that be a very easy gradient?—Easier than many in London.

111. Would persons coming down Regent-street and Waterloo-place have an uninterrupted view into the Park and into the Parade?—They would look directly into the Park.

112. You propose by your plan to have a centre road to go down to the Mall?—A centre road 50 feet wide.

113. What would be the width of the roads which would run right and left of that road, so as to form communications to Carlton-house Terrace?—They might be made any widths, because the railings of the gardens will have to be removed. But according to this plan, which leaves the railings where they at present stand, the roads will each be 45 feet wide.

114. What is the width of the centre road?—Fifty feet.

115. Does that include the footpaths?—Yes.

116. The footpaths are set down at 10 feet each, leaving a carriage-road of 30 feet?—Yes.

117. How do you propose to make the communication from Carlton-house Terrace, near the Prussian Embassy, to the new road which you propose to make, where the Duke of York's Column now is?—I suppose that right and left there will be a flight of steps, so that the foot-pavement on one side of Carlton-house Terrace would communicate directly with the foot-pavement on the other side, going

going down steps on one side, and up steps on the other; these would be broad flights of steps 20 feet wide; the depth, I believe, will be 8 feet.

118. Does not this garden belong to the Athenæum Club?—No, it does not; it has not been leased to anybody, but everybody on the terrace has a right to use it.

119. Sir *J. Paxton.*] Will not the parties who live there have to go down steps into the Park just the same as they do now?—Yes, they go down steps now.

120. *Chairman.*] Where do you propose to put the gates?—I propose them exactly on the line of the north fronts of the houses.

121. That is between the north-west angle of Sir Matthew Ridley's garden, and the north-east angle of the Prussian Embassy's garden?—Yes.

122. You say you have had an offer from a builder to remove the Duke of York's Column, and rebuild it again; was there any limitation as to the distance within which it might be rebuilt?—Within a quarter of a mile.

123. He undertook to rebuild the Column on any site within a quarter of a mile from the present site for the sum of 5,000*l.*?—Yes.

124. Mr. *M. Milnes.*] Would a greater distance make a considerable difference?—A very little; no other difference than the cartage.

125. *Chairman.*] The evidence you have given in relation to this line is confined only to the point between F in Pall Mall, and G at the foot of the steps of the Duke of York's Column in the Mall?—Yes.

126. Be so good as to state to the Committee how you propose to carry your road on from the letter G to the letter H, near Storey's Gate; what will be the expense of that portion of the line?—The road is proposed to follow nearly the line of the avenues, and to pass along not far from the end of the water, nearly upon the line of the present railings, and to come down close to Storey's Gate, by the side of the lodge now standing there.

127. Mr. *M. Milnes.*] Supposing the road carried along the route that you now suggest, would there not be a very immaterial alteration of the rails of the Inclosure?—There would be a very slight alteration.

128. Would the road so made in any way whatever interfere with the ground used for the Parade?—It takes no part that is ever used at times of reviews; what it takes is so slight that it is not worth mentioning.

129. In fact there would be a very few feet taken off the Parade ground, and a very few feet taken off the Inclosure?—There is more taken from the Inclosure than from the Parade.

130. You propose to come out between the lodge near Storey's Gate and Storey's Gate itself?—Yes.

131. *Chairman.*] What would be the expense of that portion of the line from G in the Mall to H at Storey's Gate?—The cost I have put down for that is 13,000*l.*

132. According to the estimate which you have handed in to the Committee, the total cost of the road from F to G, and from G to H, supposing the Column is removed, will be 25,800*l.*, and from F to G and G to H, it will be 17,800*l.*, supposing the Column is not removed?—Yes.

133. Colonel *W. Patten.*] I observe your plan states that the whole of the road is at a distance from the line of houses running down from the State Paper Office, thereby taking in a considerable part of the Inclosure; why is that?—I thought it would be desirable for a public thoroughfare that it should be kept away from the blank wall at the back of the houses, as it is in the Birdcage-walk. In the Birdcage-walk there is a small enclosed plantation, which conceals the dead walls and improves the appearance.

134. Can you tell us how many feet are taken from the Inclosure in that part?—Directly opposite to that point it increases the size of the Park.

135. Sir *J. Paxton.*] You appear to cut a good many trees down?—Just there we do; but they are trees now growing on the gravel walk; they are not in the Park.

136. Mr. *Hutchins.*] Will not this leave the area pretty nearly the same as it is now, for what you lose in one part you gain in another?—I think you gain more than you lose.

137. *Chairman.*] Has your attention been directed at any time to the plan for another line, you have laid down upon the map from G to K, G being the

J. Pennethorne, Esq.

4 March 1856.

point at the bottom of the Duke of York's steps, and K a point at Charing-cross, a little to the north-west of King Charles's statue?—Yes.

138. What would be the expense of making that road within the Park?—I have not estimated the cost of making that road exactly in the line it is shown upon this plan, but I estimated it many years ago upon a line that would have gone directly through the opening next to Messrs. Drummond's bank. This line would be more expensive than that; but without speaking with any great confidence, I am quite sure that the cost of this line would not be less than 100,000*l.*

139. What buildings would have to be taken down or destroyed within the Park for the purpose of making that road?—It would take Lord Fitzhardinge's garden and a part of the Carlton-house stables, but they are intended to be taken down; then it would take part of Sir John Guest's house; it would go through the Globe Fire Insurance office, which has just been rebuilt.

140. How many years ago is it since you made this plan of a line of road?—It was made in the year 1844, and revised in 1847.

141. By the direction of the Chief Commissioner of that day?—Yes.

142. Mr. *Hutchins.*] Would there be any objection to widening the present foot passage, and carrying the road at the side of Lord Fitzhardinge's house into New-street?—There is no practical difficulty, but it would not of course be so effectual as a public improvement.

143. What would the cost of that be?—I am not prepared to say, but it would be very much less; there would only be the purchase of about two houses.

144. In what respect would it not be so effectual as a public improvement?—Because it would have two right angles and come out opposite to the west side of Trafalgar-square; it would not go so direct to Charing-cross.

145. Would it not be a considerable relief to Charing-cross?—I think that if it were not a direct public thoroughfare, it would not be very necessary to make it.

146. Would it not be much cheaper?—It would be cheaper, of course, but less desirable.

147. Sir *J. Paxton.*] Does not the road from G to K enter Charing-cross opposite King Charles's statue?—To the north of it.

148. Is not that just about the steepest road?—The steepest road is south of the statue; if it had gone out through the opening next to Drummond's bank, it would have come out on the steepest part.

149. Taking this passage, might not you get out to Charing-cross on the level?—Yes: to the best of my recollection; I do not remember any inclination there.

150. Would not coming out in front of Messrs. Drummond's bank be very inconvenient on account of its immediately meeting all the traffic?—Not if you came out on the north side, to the level of the high ground.

151. Still that would be a very great improvement to get a thoroughfare by there?—It would be an improvement.

152. Supposing you take a line from the other side of Northumberland House, what would be the difference in distance to people coming from the City, supposing they came to your line, or supposing they came round by the entrance to Spring Gardens?—About 100 feet.

153. Would that affect Charing Cross, where the principal traffic is?—It would come out into about the same traffic; for that which passes the statue of King Charles, passes up Cockspur-street.

154. Would not that cost very much less than your proposed plan?—It would cost a great deal less; I am not prepared to give the figures.

155. Would it cost half as much?—I cannot say; I do not suppose it would cost half.

156. *Chairman.*] Now, I will ask you a question in relation to the distances; supposing that the object should be to have a better communication from Belgravia to Pall Mall, be so good as to state to the Committee what would be the distance from Buckingham Gate, which is the entrance common to all three of the lines, by C, across to D, and thence to A?—From Buckingham Gate over the

the bridge to the letter B would be 2,600 feet, and thence to A would be nearly 3,200 feet, which is nearly 1,100 yards.

157. And the cost would be what?—£. 50,380.

158. Commencing again at Buckingham Gate, passing by E, and thence to D, what is the distance?—Nearly 700 yards.

159. And what will be the cost?—£. 163,250.

160. Taking another line, beginning also at Buckingham Gate, passing by E, which is the western end of the Mall, going along the Mall to B, and terminating again at A, what will be the distance?—About 830 yards.

161. And what the cost?—From A to B would be 20,900 *l.*; and then it would be necessary to do something to the line from D to E; it might be necessary to put a post and rail chain on the side of it, and to gravel the road.

162. What do you consider would be the extra cost beyond the 20,900 *l.*; what would cover the expense from A to B?—I would put down at least 2,000 *l.* for that.

163. Colonel *W. Patten.*] Would that estimate include the deductions for the German Chapel?—I have put down a sum for the German Chapel, but the cost of that, of course, will depend entirely upon circumstances. Without having the means of estimating the cost, for it is not possible to know what it will be, I have put down the sum of 10,000 *l.*, exclusive of the purchase of a site.

164. Sir *J. Paxton.*] Have not you under-estimated the expense from B to Buckingham Gate; will not it be necessary to widen that part of the road altogether, in order to make a public thoroughfare to E; is not it at present very inconvenient and very narrow?—For the expense from E to the Gate I have not put down anything.

165. Mr. *Hutchins.*] Might not the turn be easily taken off with great improvement, without interfering with the trees?—It seems to me that it is better not to do it if you can avoid it, because nothing should interfere with the line of the Mall that goes straight up to the Palace.

166. Mr. *M. Milnes.*] Do you project any line of rails between the road from G to H at the Parade?—I suppose that there will be an iron post and rail, exactly as there is in Hyde Park.

167. *Chairman.*] The same as in Rotten-row?—Yes.

168. Have you reckoned the distance from the bottom of St. James's-street to the House of Commons, passing along Pall Mall, Cockspur-street, and Whitehall?—It is about 1,800 yards.

169. Let us have the distance from the bottom of St. James's-street by A, B, and C, and the Birdcage-walk, to the Houses of Parliament?—It is about 1,300 yards.

170. Mr. *Hutchins.*] The two distances named will be from the same point to the same point?—Yes.

171. *Chairman.*] Will you give me also the distance from the point A, by Marlborough House, to the point F, in front of the United Service Club-house, by G and H, to the Houses of Parliament?—It is rather more than 1,500 yards.

172. Mr. *Stephenson.*] Have you taken these distances from the ground or the plan?—From the Ordnance Plan.

173. Will you measure from along Pall Mall to the Houses of Parliament?—It is very nearly 1,800 yards.

174. *Chairman.*] Supposing that it was to be considered undesirable to carry the road from B to C, which is in point of fact to carry the road through the Inclosure, and it was thought advisable to have a foot-bridge to go over the water near where the ferry now is, can you give the Committee any idea as to what the cost of such a bridge would be?—The cost of a foot-bridge, together with the very slight alteration of the walk necessary to get up to it, would be about 2,800 *l.*

175. What would be the nature of the bridge that you would propose to build for that sum?—A bridge 15 feet wide, built upon cast-iron piles, and the platform made of Yorkshire landings covered with asphalte.

176. How high above the water would it be?—About three feet.

Mr. *R. Bowley.*

4 March 1856.

Mr. *Robert Bowley*, called in; and Examined.

177. *Chairman.*] I believe you have lived in the neighbourhood of Charing-cross a great many years?—I was born there.

178. Have you heard the evidence which has been given to us by Mr. Pennethorne?—I have.

179. Do you wish to offer any suggestion to the Committee in relation to that evidence?—The remarks which have been made by Sir Joseph Paxton, and the plan now presented by Mr. Pennethorne, have pretty nearly anticipated all that I had to say which would have reference to the danger of crossing Charing-cross at a low level by Messrs. Drummond's. I have often observed that great danger arises from carriages crossing from the south or lower entrance to Spring-gardens across Charing-cross, in front of the statue of King Charles; if any traffic brought into the current came from the back of King Charles's statue, it would be better than coming where the opening is contracted and the declivity great.

180. Would you propose that in case any line should be opened from St. James's Park, it should come out into Charing-cross, rather to the north of King Charles's statue?—Yes; near to the present passage.

181. Mr. *Hutchins.*] Have you resided long in the neighbourhood?—All my life.

182. Has the pressure of carriages and carts and omnibuses very much increased at Charing-cross?—I think not; any little difficulty appears to arise from two streams coming in two different directions as it were, in front of King Charles's statue and then meeting, particularly when a few carriages from the lower Spring-gardens run into the road and are met by another stream; I have seen several instances of danger.

183. Is there a great difference of pressure at Charing-cross, according to the time of the year?—Unquestionably.

184. *Chairman.*] From what you have seen of the pressure at Charing-cross, do you think it would be desirable to relieve that traffic if it could be done?—If it could be relieved above; but I fear any cross meeting of the stream: I think there would be a danger in additional carriages coming out at the lower level of Spring-gardens.

185. Does any inconvenience result now from the pressure of traffic at the crossing; is there a stoppage of carriages?—Very rarely; because King Charles's statue, as it were, divides the traffic, and prevents the inconvenience that would arise; if King Charles's statue were removed higher up, it would meet there suddenly, and without direction.

186. Mr. *Hutchins.*] Your opinion is, that if a road was made to relieve the traffic at that point, you would prefer it to be made by widening the passage, pulling down Lord Fitzhardinge's house, and making a road into the Park that way?—I think that preferable.

187. *Chairman.*] How would that relieve Charing-cross?—I think many carriages going to the Birdcage-walk from the north-east, would take that road.

188. How would they get to the Birdcage-walk?—As I understand, a road is to be made in front of the Parade.

189. Supposing that the road were made, as was suggested by Mr. Pennethorne, from the foot of the Duke of York's Column into the Birdcage-walk, what would be the result?—It would unquestionably be a relief to Charing-cross and the road below.

190. Mr. *Disraeli.*] Has it occurred to you that during your time the traffic of Charing-cross has much increased?—I think not.

191. And thus no great inconvenience is felt?—Not much; I think; from this cause:—20 years ago there used to be a great number of coal-waggons; they are now taken away, a great deal of coal being now drawn from the railways.

192. In fact, the slowest description of traffic has diminished within the last 20 years?—Very materially.

REPORT

FROM THE

SELECT COMMITTEE

ON

ST. JAMES'S PARK;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
7 *March* 1856.

[*Price* 1 *s.*].

85.

Under 8 *oz.*

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

SLIGO BOROUGH ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1856.)

Ordered, by The House of Commons, *to be Printed,*
22 *May* 1856.

Veneris, 9° die Maii, 1856.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the Borough of Sligo:

Sir John Hanmer, Bart.	Hon. Frederick Leveson Gower.
Charles Aaron Moody, Esq.	Hon. Robert Windsor Clive.

Chairman, GEORGE MEDD BUTT, Esq.

Lunæ, 19° die Maii, 1856.

Ordered, "That the Petition relative to the said Election be referred to the Committee."

Ordered, "That the Committee do meet to-morrow, in one of the Committee-rooms of the House, at Twelve o'clock."

PROCEEDINGS OF THE COMMITTEE - - - - - - - p. iii

MINUTES OF EVIDENCE - - - - - - - - - - p. 1

PROCEEDINGS OF THE COMMITTEE.

Martis, 20 *die Maii*, 1856.

NAMES of the Members called over; all present.

The Committee deliberated, and agreed to the following preliminary Resolutions:—

1. "That Counsel will not be allowed to go into matters not referred to in their opening statement without a special application to the Committee for permission to do so.

2. "That if costs be demanded by either party, under the 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. "That the Committee expect that, with respect to cases of bribery, which it is intended to bring home to the Sitting Member, or his agents, the Counsel for the Petitioner will now state the names of the electors bribed, and those of the persons who actually gave the bribes.

4. "The Committee, however, reserve to themselves a power, upon the special application of counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognizant.

5. "That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. "The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

7. "That no person shall be examined as a witness who shall have been in the room during any of the proceedings (with the exception of the agents whose names shall be handed in), without the special leave of the Committee."

Parties informed of the above Resolutions.

The Petition of *John Patrick Somers*, a candidate at the last election, complaining of an undue election and return for the Borough of Sligo, was read.

Counsel for the Petitioner, Mr. *Edwin James*, Q. C., Mr. *M. J. O'Connell*, Mr. *Lewis*.

Agent, Mr. *Peyton Graham*.

Counsel for the Sitting Member, Mr. *Slade*, Q. C., Mr. *Huddleston*.

Agents, Mr. *Thomas Mostyn*, and Mr. *Markham Spofforth*.

Mr. *O'Connell* applied to the Committee for an adjournment on account of the absence of Mr. *James*, the leading Counsel for the Petitioner, who was engaged at the trial of William Palmer.

Room cleared. Committee deliberated.

Parties called in and informed that the Committee do not accede to the application for an adjournment.

Mr. *O'Connell* opened a case of treating and bribery, and, with the consent of the Committee, first called witnesses to establish the allegations as to treating.

The short-hand writer was sworn by the Chairman.

Michael O'Brien, sworn; examined by Mr. *Lewis*. Produced the poll-book relative to the last election for the borough of Sligo.

Cross-examined by Mr. *Slade*. The poll-books were received in evidence.

James Richard Naylor, sworn; examined by Mr. *Lewis*. Produced writ and return relative to the last election.

Patrick M'Niff, sworn; examined by Mr. *O'Connell*.

Abraham Powell, sworn; examined by Mr. *O'Connell.*

Thomas Mostyn, sworn; examined by Mr. *Lewis*; cross-examined by Mr. *Slade*; re-examined by Mr. *Lewis.*

Robert Maveety, sworn; examined by Mr. *Lewis.*

Mr. *Lewis* abandoned the allegations as to treating.

Edward Killoran, sworn; examined by Mr. *Lewis*; cross-examined by Mr. *Slade*; re-examined by Mr. *Lewis.*

James Ward, sworn; examined by Mr. *O'Connell*; cross-examined by Mr. *Huddleston*; re-examined by Mr. *O'Connell.*

Catherine Killoran, sworn; examined by Mr. *Lewis*; cross-examined by Mr. *Slade.*

Mr. *O'Connell* stated that he had concluded the case with reference to bribery.

The Right Hon. *John Wynne*, the Sitting Member, sworn; examined by Mr. *Slade.*

Room cleared. The Committee deliberated.

Resolved, 1. "That the Right Honourable *John Wynne* is duly elected a burgess to serve in this present Parliament for the Borough of Sligo."

Parties called in and informed of the above Resolution.

Mr. *Slade* applied to the Committee to come to the further resolution that the Petition was frivolous and vexatious.

Mr. *O'Connell* was heard against the application.

Room cleared. Committee deliberated.

Motion made, and question proposed, "That the petition of John Patrick Somers was frivolous and vexatious" (Mr. *Moody*):—Amendment proposed to be made to the question, by adding at the end thereof the words, "Except so far as relates to the allegation of bribery in the case of Edward Killoran" (Mr. *Leveson Gower*):—Question put, "That those words be there added." The Committee divided:—

Aye, 1.	Noes, 4.
Mr. Leveson Gower.	Mr. Moody.
	Mr. Butt.
	Sir J. Hanmer.
	Mr. Clive.

Resolved, 2. "That the petition of John Patrick Somers was frivolous and vexatious."

Resolved, 3. "That it is the opinion of the Committee that there are strong grounds for believing that Edward Killoran and James Ward, in giving their evidence before the Committee, have been guilty of wilful and corrupt perjury."

Parties called in and informed of the above Resolutions.

Ordered, "That the above three Resolutions be reported to The House."

MINUTES OF EVIDENCE.

Martis, 20° *die Maii*, 1856.

MEMBERS PRESENT.

Sir John Hanmer.	Hon. F. Leveson Gower.
Hon. Robert Windsor Clive.	George Medd Butt, Esq.
Charles Aaron Moody, Esq.	

GEORGE MEDD BUTT, Esq., IN THE CHAIR.

THE names of the Members were called over:—All present.

The Committee agreed to the following Resolutions:

"1. That Counsel will not be allowed to go into matters not referred to in their opening statement, without a special application to the Committee for permission to do so. 20 May 1856.

"2. That if costs be demanded by either party, under the 11th and 12th Victoria, c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

"3. That the Committee expect that with respect to cases of bribery, which it is intended to bring home to the Sitting Members or their agents, the Counsel for the Petitioners will now state the names of the electors bribed, and those of the persons who actually gave the bribes.

"4. The Committee, however, reserve to themselves a power, under the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant.

"5. That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

"6. The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

"7. That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the agents whose names shall be handed in), without the special leave of the Committee."

The Petition of John Patrick Somers, against the Return of the Right Honourable John Wynne, was read.

Mr. *E. James*, Mr. *Morgan John O'Connell*, and Mr. *Lewis*, were Counsel for the Petitioner.

Mr. *Peyton Graham* appeared as Agent.

Mr. *Slade* and Mr. *Huddleston* were Counsel for the Sitting Member, the Right Honourable John Wynne.

Mr. *Thomas Mostyn* and Mr. *Markham Spofforth* appeared as Agents.

Mr. *Morgan John O'Connell* was heard to open the case on behalf of the Petitioner.

Mr. *Michael O'Brien*, sworn; and Examined by Mr. *Lewis*, as follows:

Mr. *M. O'Brien.*
20 May 1856.

1. DO you produce the poll-books for the last election for the Borough of Sligo?—Yes.

2. Who are you?—The first clerk in the Crown and Hanaper Office; the books were directed to me, and received by me, at my office in Dublin.

3. Mr. *Slade.*] What do you hold in your hand?—The poll-books.

4. Are they in the same state in which they came to you?—Yes.

5. Have you ever opened them?—Never; they have the seal of the corporation of Sligo; it is marked on them.

6. Is your name Christopher?—No; my name is Michael O'Brien.

7. The parcel is directed to Christopher Fitzsimons?—He is the Clerk of the Crown in the Hanaper; he has been absent for some time, owing to illness, and I attend in his absence; I am the chief clerk.

8. By the *Committee.*] You know that that is the poll-book of the last election?—Yes.

Mr. *Slade.*] No, I understand from him that this is the parcel as he received it. Now we will break the seals, and see what is in it.

Witness.] It bears the post-mark of Sligo.

9. By the *Committee.*] You have had charge of it ever since, have you?—It was sent to me at my house, and I have had charge of it ever since.

Chairman.] Now break the seals.—(*The parcel was opened.*)

Mr. *Slade.*] Will you read the superscription on the white paper, the inside cover?—"Within are the poll-books of my depositors, and deposited with me at the commencement of the poll on Friday the 7th day of March 1856, John M'Gowan, Mayor, Sligo, Returning Officer; John Wynne, Candidate, and Representative of Borough of Sligo; dated same day, March 1856; G. T. Somers, Candidate for Sligo Borough."

The poll-books were handed in.

[The Witness withdrew.

Mr. *James Richard Naylor*, sworn; and Examined by Mr. *Lewis.*

Mr. *J. R. Naylor.*

10. WHAT are you?—Chief Clerk in the Crown Office in England.

11. Do you produce the Writ and Return for the last election for the borough of Sligo?—Yes, I do; the Writ, the Precept, and the Return.

[The Witness withdrew.

Mr. *Patrick M'Niffe*, sworn; and Examined by Mr. *O'Connell.*

Mr. *P. M'Niffe.*

12. ARE you resident in the borough of Sligo?—Yes.

13. Have you attended to the register of that borough for some years?—Yes.

14. For what party were you employed?—The Liberals.

15. Did you support Mr. Somers at the last election?—No.

16. Were you willing to have voted for him?—

Mr. *Slade* objected to the question.

17. Mr. *O'Connell.*] Was there any other candidate on the Liberal interest who offered himself for this borough?—Yes, Mr. Hughes.

18. Did he persevere in his canvass?—No.

19. How long before the day of nomination did he retire?—The evening before, the Tuesday.

20. Were you asked to give your services to Mr. Wynne by anybody?—

Mr. *Slade* objected to the question.

The *Chairman* stated that it was a question that could hardly be put.

Mr.

Mr. *Slade* stated that Mr. Wynne polled 148, and Mr. Somers 117, giving a gross majority of 31; that there were 326 electors on the register, of whom 178 were Roman-catholics, and 148 Protestants; and that only 265 were polled out of the 326, leaving somewhere about 61 votes unaccounted for.

21. Mr. *O'Connell.*] Do you know John Derrick?—I do.
22. Had you any conversation with him on the subject of the election?—Yes.
23. What did he say to you?—

Mr. *Slade* objected to the question, and stated that he did not know who Mr. Derrick was.

The *Chairman* stated that it could not be evidence.

24. Mr. *O'Connell.*] Do you know Mr. Mostyn?—Yes, I do.
25. In what capacity did he act?—

Mr. *Slade* objected to the question.

26. Mr. *O'Connell.*] Did you see Mr. Mostyn during the election?—Yes.
27. Did you see him doing anything connected with the election?—Yes; I did something with him myself.
28. In reference to the election?—Certainly.
29. What was that?—

Mr. *Slade* objected to the question.

30. Mr. *O'Connell.*] Did Mr. Mostyn ask you to do anything?—

Mr. *Slade* objected to the question.

31. Mr. *O'Connell.*] Did you attend any meeting of persons in the interest of Mr. Wynne?—

Mr. *Slade* objected to the question.

The *Chairman* stated that the question could not be put.

32. Mr. *O'Connell.*] Did you see Mr. Mostyn near the polling-booths during the election?—I was not in the polling-booths at all.
33. Did you do anything during the election?—Yes, I did.
34. What did you do?—

Mr. *Slade* objected to the question.

The *Chairman* stated that there was no objection to the question.

Witness.—I went over the poll-book—the register, I should have said—several times, with Mr. Mostyn, giving him the benefit of my local knowledge.
35. What is Mr. Mostyn by profession?—He is a solicitor, and also, I think, Clerk to the Crown for the county of Sligo.
36. Where did you go over those books with him?—At his own house.
37. Were you engaged to be paid for your trouble by anybody?—I was not paid.
38. Mr. *O'Connell.*] Did Mr. Mostyn make any remarks to you upon the electors?—

Mr. *Slade* objected to the objection.

39. Mr. *O'Connell.*] Did you see him acting in any capacity at that election?—I did.

Mr. *Slade* objected to the question.

The *Chairman* stated that unless Mr. O'Connell could affect the Sitting Member, this evidence amounted to nothing.

40. Was there a canvass going on for Mr. Wynne previous to the election?—There was.
41. Did you see any parties canvassing for him?—I canvassed for him myself.

 42. In

Mr. *P. M'Niffe.*

20 May 1856.

42. In company with whom?—By myself and through my own immediate friends, some of the Liberal party; I mean political friends. I did not attempt to canvass Mr. Wynne's own supporters; there was no necessity for that.

43. Did Mr. Wynne canvass himself?—I think not.

44. You did not see him canvass himself?—No.

45. All that you had seen of the canvassing was done by his friends?—I would say so.

46. Who were those friends who canvassed for him?—With very rare exceptions I would say the entire Conservative party; I would say they exerted themselves very much for Mr. Wynne.

47. Mr. *O'Connell.*] Did you act with any others in making arrangements for the election?—I do not understand your question; I had no power to make any arrangements for Mr. Wynne's election. I was employed for another business altogether.

48. You were employed for another business altogether?—To do other things.

49. Who employed you to do other things?—

Mr. *Slade* objected to the question, if it was to affect Mr. Wynne as regarded treating.

The *Chairman* stated that the question could not be put.

50. Mr. *O'Connell.*] Did you go over the poll-books with any other persons besides Mr. Mostyn?—The register you mean.

51. Yes?—I did.

52. Who were the other persons?—I went over the register at Mr. Ferguson's, on the Thursday, with Mr. Alfords, Mr. Monds, Mr. Williams, Mr. Burke, Mr. Derrick, Mr. John Lyons, and Mr. Henry Lyons, in Mr. Ferguson's.

53. By the *Committee.*] You kept the register?—They had it there, and I went over it with them, making calculations, and also giving suggestions.

54. Mr. *O'Connell.*] You said that you canvassed yourself: had you seen any other persons canvassing during the election?—Persons might be going about and doing things, but I could not say whether they were canvassing or not.

55. You are not a voter?—No.

56. Did you attend at the nomination?—I did.

57. Who was the conducting agent to Mr. Wynne at that election?—

Mr. *Slade* objected to the question.

Chairman stated that the question could not be put.

58. Mr. *O'Connell.*] Did you see Mr. Mostyn at the nomination?—I think I did.

59. By whom were you introduced to Mr. Mostyn?—Mr. Derrick came to me.

60. When?—On the Tuesday evening after Mr. Hughes went away; it was the evening previous to the nomination; he told me——

Mr. *Slade* stated that he objected to what he told the Witness.

Witness.] Then he brought me to Mr. Mostyn, to his office, at the Court-house, or near it.

61. Did you go alone to Dr. Ferguson's house, on the night of the 6th of March?—It was on the Thursday night.

62. The night before the poll?—No.

63. Who went with you?—I went with John Derrick.

64. Mr. *Slade.*] That was on the Thursday?—Yes.

65. Mr. *O'Connell.*] Did you see any persons there?—I did.

66. Whom did you see there besides those gentlemen you have mentioned with whom you went over the register?—I am just speaking now of a subsequent transaction.

67. Did you go twice on the same day?—At two o'clock on that day I met Mr. Alfords and others there, and went over the register, and about half-past 0, or a little later, I went with John Derrick to Mr. Ferguson's house; and I saw a man of the name of Mulligan there, Henry Mulligan.

68. By

68. By the *Committee.*] It was at night when you went?—Yes; and Charles Tiernan.

69. Mr. *O'Connell.*] Anybody else?—I think I saw some others; Mr. John Burke, William Harcourt, Robert Maveety, Charley Compton, and Sam Davison, who was not an elector.

70. Were they talking?—Yes.

71. Were they doing anything else?—

Mr. *Slade* objected to the course of examination.

72. Mr. *O'Connell.*] Did you go to any other place after leaving Dr. Ferguson's?—I did.

73. Where?—To Robert Henderson's.

74. Did anybody go with you there?—I brought others with me there; that is, I took them away out of the other house for reasons I had.

75. What time was it; do you recollect?—It was near 12 o'clock; I did not remain in Dr. Ferguson's, perhaps not five minutes; I just went in and remained there a few minutes; I did not like to remain; I had some reason for going, and I did go.

76. Whom did you take with you to Mr. Henderson's?—I brought John Derrick away out of it, Maveety, and Burke, and Harcourt.

77. Did you stay at Mr. Henderson's for any time?—I should say a quarter of an hour, and perhaps more.

78. Were those persons whom you met at Henderson's voters, or any of them?—They were all voters.

79. At Dr. Ferguson's and Mr. Henderson's?—Except Sam Davison at Dr. Ferguson's, who is no voter.

80. Do you know Mr. Gethin's house?—I do.

81. Was it used for the purposes of the election?—It was used as a tally-room.

82. Were you there on either of those days?—On the day of the polling I spent the entire day there.

83. Whom did you see there?—I saw so very many. I saw Mr. Wynne himself and Mr. Mostyn, and Mr. Phipps the solicitor. I saw the entire Conservative electors in it, and a good many of the Liberal electors.

84. And a good many, I suppose, who supported the Conservative candidate on the occasion?—Certainly.

85. Were you employed there in looking over the register as before?—I filled the entire tally-slips on that day.

86. By the *Committee.*] You acted as a clerk for that business?—I did.

87. Mr. *O'Connell.*] Was that in consequence of any directions that you received from anybody?—

Chairman.] Unless those directions came from Mr. Wynne or an agent, of course they are immaterial; we give you credit for intending so to make this evidence.

Mr. *O'Connell.*] We have not got the written authority here, therefore I must prove it by acts.

Chairman.] You must do it by legitimate means.

88. (To the *Witness.*) Do you know who engaged Mr. Gethin's house for the purpose of a tally-room?—I do not.

89. Did you make a claim on any one for your loss of time and services on this occasion?—No.

90. Did you see Mr. Mostyn at Dr. Ferguson's house on any occasion?—No.

91. Did you see a man of the name of Killoran in the tally-room?—I did.

92 What time in the day was that?—It was late in the day I should say; it was near three o'clock I should think.

Mr. *Slade* objected to the course of examination.

Mr. *O'Connell* submitted that treating had been alleged to have taken place at the house of Michael Gethin.

Mr. *Slade* stated that his learned friend could not prove treating at Gethin's house unless he proved the agency.

Mr. *Slade* stated that he had no question to put to the Witness.

Mr. *Abraham Powell*, sworn; and Examined by Mr. *O'Connell.*

Mr. *A. Powell.*

20 May 1856.

93. ARE you an Attorney?—Yes.

94. You reside in Sligo, or near it?—I am a farmer and attorney, residing within 20 miles of Sligo.

95. Did you act as conducting agent for the petitioning candidate, Mr. Somers, at the last election?—I acted as one of his agents, and I did my best for him. I was three weeks in Sligo, and I did not go a quarter of a mile out of the town.

96. Had you to make any arrangements on the part of Mr. Somers, as to the mode in which the poll was to be taken?—Yes.

97. With the returning officer?—Yes, with the returning officer, Mr. Edmund Rochford. I paid his expenses. I was the election expenses agent. I believe that is the term under the new Act of Parliament. I was the election expenses agent, with the mayor, and Mr. Rochford

98. What is Mr. Rochford?—He is to assist the mayor in Sligo; he is the returning officer; he is the man to set him right.

99. By the *Committee.*] The mayor of Sligo is the returning officer?—Yes. Mr. Rochford is the town-clerk for the mayor; he is the assessor; I think that is the word. I think he was. I cannot explain to you what Mr. Rochford was, but he was the town-clerk acting for the Mayor.

100. Mr. *O'Connell.*] You entered into this arrangement, about the mode of conducting the election?—Yes. I sent in to him an account of my expenses during the election.

101. Mr. *Slade.*] To whom?—To Mr. Rochford.

102. Did you make any arrangement, previously to the polling, with the mayor as the returning officer?—I paid for the booths

103. On the part of Mr. Somers?—Yes. I signed the document for Mr. Somers, which Mr. Mostyn has in his possession. Mr. Mostyn signed his name as conducting agent for Mr. Wynne.

104. Did you see Mr. Mostyn sign it?—I did.

[The Witness withdrew.

Mr. *Thomas Mostyn*, sworn; and Examined by Mr. *Lewis.*

Mr. *T. Mostyn.*

105. WHAT are you?—I am a Solicitor by profession.

106. Where do you reside?—In Dublin and Sligo. I have houses in both places.

107. You took an active part in the late election at Sligo, did you not?—I did.

108. For whom?—For Mr. Wynne.

109. Did you act as his agent?—I did.

110. As conducting agent?—Yes.

111. Were you paid by Mr. Wynne as an agent?—No.

112. Is he indebted to you?—He is not; I would not take money from Mr. Wynne.

113. You acted as his agent?—I did; friend and agent.

114. Do you recollect upon the occasion of this election, or a few days previously, your being at Dr. Ferguson's house?—I was there once or twice; I think twice.

115. When was that?—Previous to the election, about, I think, the last day of February. No; I think on Monday, the 1st of March; it was the Monday before the election, before the nomination-day.

116. *Chairman.*] That was the first time?—I think so.

117. Mr. *Lewis.*] Who was there?—There were several persons, I think; one or two of the Lyonses were there; there were professional gentlemen and inspectors; one or two inspectors, I think, and professional men.

118. What were the names of the inspectors?—I may be confounding one with another. I know that two of the Lyonses attended, and, I think, Mr. Monds, and, I think, Mr. John Burke attended. I do not think Mr. Derrick attended; I am not quite certain; he was there on one occasion, but, I think, not on the 1st of March.

119. Were all those gentlemen voters?—Yes.

120. They

120. They voted for which side?—All voted for Mr. Wynne.

121. Upon this occasion did you see any eating or drinking going on?—On my oath I never did, from the beginning to the end of the election, neither eating, nor drinking, nor bribing, nor anything else; there never was a purer election than upon that occasion; I saw nothing of the kind.

122. Who do you say the inspectors were?—The inspector was Mr. Edward Pollock; I think he was there.

123. Anybody else?—I am not sure that Mr. Harley Phipps was there, but I think he was there, and Mr. Charles Sidley also, the inspector, and another Sidley, his brother, was there.

124. You acted as one of the agents?—Yes, I did.

125. As conducting agent?—Yes.

126. Do you know Derrick?—Yes.

127. What is he?—He is a poor-rate collector in the town, and an extensive farmer.

128. Was he employed?—By no means. Mr. Wynne specially precluded any man connected with him from having anything to do with the election excepting myself by name, his own agent. He specially, at a meeting, said he would not permit it, and Mr. Derrick was not by any means directed, or any one connected with him, either to canvass or interfere; he declined to canvass the electors, and he said that what he objected to do himself, it would be disrespectful to the electors if he allowed anybody else to do, and he would not allow Mr. Alford, as agent, or anybody to take part in it.

Cross-examined by Mr. *Slade.*

129. As I understand you, Mr. Mostyn, you were the sole agent of Mr. Wynne at that election?—I was.

130. You were so appointed under his name, and you handed in your name to the election officer under the Corrupt Practices Act?—Yes.

131. Are you aware that Mr. Wynne declined to come forward as a candidate for Sligo unless he had a requisition signed by a majority, both of Roman-catholic and Protestant electors?—I am.

132. Are you aware that such a requisition was furnished and shown to Mr. Wynne?—I am not.

133. Are you aware that Mr. Wynne upon being asked to come forward declined to canvass?—I know he did.

134. Do you recollect a meeting being held on the 29th of February, where you attended, at which it was resolved that Mr. Wynne should put himself in your hands?—I do.

135. Was that meeting numerously attended by parties both of Roman-catholics and Protestants?—I think there was one Roman-catholic present, Dr. Powell; I am not quite sure; I think he was the only one. It was numerously attended by the Conservatives.

136. Did you call the attention of all parties present to the Corrupt Practices Act, and read the clauses to them?—I did.

137. Relative to bribery and treating?—I did; I read to them the definition given in the Act of bribing, and the definition given in the Act of treating.

138. Did you at that meeting emphatically denounce that man as Mr. Wynne's enemy, however good his intentions might be, who would compromise him in that way?—Most decidedly, in as strong language as I could use. I said that was the principle, and it should be carried on on that principle or not at all, and that Mr. Wynne would not come forward and make himself a scapegoat in any way.

139. On the 1st of March I believe Mr. Wynne issued his address?—About that.

140. Do you recollect Mr. Hughes, who has been mentioned as having been a candidate at one time, withdrawing?—I do.

141. Do you remember his entering the town?—Yes.

142. Was Mr. Hughes one of Her Majesty's Counsel in Ireland?—Yes.

143. Did he come forward on that occasion as the priests' candidate?—By repute he did; I do not know that personally; he was accompanied by a great number of Roman-catholic gentlemen.

Mr. *T. Mostyn.*

20 May 1856.

144. He now sits for Longford County, does he not?—Yes.

145. Was any application made to you on behalf of Mr. Hughes to withdraw Mr. Wynne?—Yes.

146. Was that application made by a gentleman of the name of O'Connor, a Roman-catholic gentleman of respectability and weight in that town?—Yes.

147. I believe that offer you declined?—I did; he brought me Mr. Hughes's address, and he entreated me to withdraw Mr. Wynne, and stated his reasons for doing so; I said, Of course the responsibility I could not take upon myself; and I said, I am sure Mr. Wynne would be very happy to see you at his house, and if you will go to him I will give you a letter stating the object of your visit, but I cannot take the responsibility upon me of complying with your request.

148. Thereupon did Mr. O'Connor withdraw Mr. Hughes?—No; Mr. O'Connor had an interview.

149. Was he withdrawn?—Yes; Mr. O'Connor had an interview, and the result of it was that.

150. Did Mr. O'Connor then, unsolicited, pledge his support and vote to Mr. Wynne?—In answer to a question from me he did. I said to Mr. O'Connor, "Suppose the contest be between Mr. Somers and Mr. Wynne, how are you disposed to vote?" and he said, "Most decidedly for Mr. Wynne."

151. Had Mr. Somers himself become unpopular among the voters?—Really I do not know; with one class of voters, the Conservatives, Mr. Somers was particularly popular; he really was; and the Conservatives, upon a former occasion, voted for him to a man; I believe upon the occasion of his contest with Mr. Sadleir. I believe Mr. Somers is really a very great favourite in Sligo.

152. But there had been a reaction, had there not?—In what way?

153. On this occasion was not Mr. Wynne the favourite candidate?—Yes; when it came to a contest with him, Mr. Wynne was connected with the town, and a gentleman of large fortune, and the people thought that he had the strongest claim, and was the most proper person to send to Parliament, but as between Mr. Somers and Mr. Sadleir, I think Mr. Somers would be preferred.

154. What was the sum total; would 103 *l.* 15 *s.* represent the sum total of Mr. Wynne's expenses?—Yes.

155. Did the mayor, of that sum, have 50 *l.* of you?—He had 53 *l.* 16 *s.* 6 *d.*

156. That was the mayor?—Yes.

157. *Chairman.*] For the legal expenses?—Yes; I think he charged me more than he should have done.

158. Were the poll-booths 6 *l.* in addition?—Yes.

159. Was your advertising, printing, and stationery bill, 14 *l.* 18 *s.* 2 *d.*?—If they be the figures, I suppose so. If the bills are here, they contain all those sums.

160. Three clerks, 2 *l.* 1 *s.* 6 *d.*?—Yes; 15 *s.* Irish, each.

161. Three agents, called personation agents, 13 *s.* 8 *d.*, 1 *l.* 7 *s.* 8 *d.*?—Yes.

162. And 6 *l.* 6 *s.* to Mr. Alexander Phillips?—Yes, 6 *l.* 6 *s.*

163. Is Mr. Alexander Phillips a voter?—He is.

164. What did you employ him in?—He was inspector in the tally-room. I merely employed him because the assizes were going on; he was my deputy clerk of the Crown. I could not be in both places, and the judge gave me permission to absent myself, and he acted in court for me.

165. You sent him in as an experiment?—Yes; I gave him 6 *l.* 6 *s.*

166. It had nothing to do with the election?—It had not; in point of fact I paid it.

167. Is he a brother of Mr. Charles Phillips, the Commissioner?—Yes.

168. And he is a solicitor?—Yes.

169. How many days was he employed?—The employment was very slight; he was two or three days; whenever I wanted him I had him.

170. There was a rented tally-room; Michael Gethin's, 20 *l.*?—Yes.

171. That was also sent in to the auditor?—Yes, and paid by me.

172. Was that, due regard being had to the purposes to which the room as a tally-room was appropriated, out of the way to pay the man?—By no means.

I had

I had the use of his whole house, and his furniture was knocked about. I paid at the county election, for similar accommodation, 75 *l.*

173. Upon your oath, was that agreement made in any way to induce him to give his vote?—No, upon my oath, it was not; it was made as a matter of personal convenience to Mr. Wynne; the road merely intervened between it and the court-house.

174. It was not done in any way to induce him to promise to give his vote?—By no means; he could not be influenced by it; he was offered 50 *l.* by Mr. Somers to act as his agent, and he refused it; he is a man of very considerable wealth, and is a solicitor.

175. I ask you, did you yourself bribe or treat anybody?—No, I did not; nor do I believe that there was a single soul got a single shilling.

176. Did anybody by your assistance, or with your consent, bribe or treat any man?—On the contrary, I never heard of it till after the election was over, until Mr. Somers avowed it at the hustings. There was never an election kept clearer from bribery.

177. Mr. *Lewis.*] You say that Mr. Phillips was employed?—Yes.

178. Anybody else?—Mr. Charles Sidley, Mr. Edward Pollock, Mr. Harley Phipps, and Mr. Phillips.

The *Chairman* inquired why Mr. Lewis put any questions with regard to Mr. Phillips.

Mr. *Lewis* stated that he had mentioned Mr. Phillips's name inadvertently.

179. Mr. *Lewis.*] Did you know Monds?—Very well.

Mr. *Slade* stated that this did not arise out of his cross-examination, as he had not mentioned the name of Monds at all.

The *Chairman* requested Mr. Lewis to put his questions with reference to treating, the time, place, and persons, as given in in his bill of particulars.

180. Mr. *Lewis.*] Just now you said that Mr. Somers offered to give 50 *l.* to Gethin to act as his agent; how do you know that?—Mr. Gethin told me, and some of Mr. Somers's friends told me; he himself never told me; I believe the fact to be so. I was told so by several of Mr. Somers's own friends.

[The Witness withdrew.

Mr. *O'Connell* stated that he now proposed to recall Mr. M'Niffe to ask him some further questions.

Mr. *Slade* stated that he understood his learned friends had done with Mr. M'Niffe.

Mr. *O'Connell* stated that he could now put questions to him which he could not put before.

The *Chairman* stated that the gentleman last called had stated that there was no agent except himself employed, by or with the authority of Mr. Wynne.

Mr. *Slade* stated that if his learned friend meant to recall Mr. M'Niffe, to say that he received instructions of a peculiar character from Mr. Mostyn, in common justice he ought to have put the question to Mr. Mostyn, and submitted that Mr. M'Niffe could not be recalled.

Mr. *O'Connell* stated that having established the agency of Mr. Mostyn, he wished to ask Mr. M'Niffe who was the person who brought him to Mr. Mostyn.

Mr. *Slade* stated that that question had been asked, and he had said that Mr. Derrick brought him.

Mr. *O'Connell* stated that he proposed to contend that Mr. Derrick having brought Mr. M'Niffe to Mr. Mostyn to be employed for the purposes of the election, made himself, by that act, in spite of Mr. Mostyn's disclaimer, an agent for the purposes of the election.

20 May 1856.

The *Chairman* stated, that if that was the object, it was a proposition that could never be assented to, for if it was against the wishes, against the orders, and against the directions of the candidate, anybody in the world might be made an agent.

Robert Maveety, sworn ; and Examined by Mr. *Lewis*.

R. Maveety.

181. WHAT are you ?—A Cabinet-maker.
182. Are you an elector of the borough of Sligo ?—Yes.
183. Did you attend any of the meetings ?—I did.
184. Whose ?—Mr. Wynne's.
185. Where did you attend ?—One at the Hibernian, and one at the Nelson Hotel.
186. Did you see Mr. Mostyn at either of those places ?—

The *Chairman* stated that if this was to prove the agency of Mr. Mostyn, they had proved it.

Mr. *Lewis* stated that he was going to prove treating, as he had proved the agency.

187. Mr. *Lewis*.] At those meetings whom did you see there ?—I saw 40 or 50 perhaps.
188. Did you see upon any occasion Mr. Mostyn at those meetings ?—No, I did not see him at any meetings at the hotels.
189. Where did you see him ?—The only place I saw him was at Mr. Sidley's.
190. Who is Mr. Sidley ?—A solicitor.
191. Did you go to Dr. Ferguson's ?—I did.
192. Did you see Mr. Mostyn there ?—No.
193. Upon the occasion of your going to Dr. Ferguson's was there a proposition that a subscription should be raised ?—No.
194. What was done at Dr. Ferguson's ?—

Mr. *Slade* objected to the question.

The *Chairman* stated that the counsel must prove that what was done at Dr. Ferguson's was done by the authority of the sitting Member, or by some person as his agent ; either that it was done by previous directions or acts expressly assented to afterwards.

Mr. *Lewis* stated that he would not ask any further questions of the witness ; and that, with the consent of the Petitioner, he would abandon the allegation of treating, and would now go upon the case of bribery.

Mr. *Slade* stated that he understood that Killoran was coming to prove a case of personal bribery against Mr. Wynne, and that he thought Mr. Wynne should remain in the room.

The *Chairman* stated that Mr. Wynne did not come within the resolution at all, and that the Committee would leave him to exercise his own discretion.

Edward Killoran, sworn ; and Examined by Mr. *Lewis*.

E. Killoran.

195. WHAT are you ?—A Baker.
196. Where do you reside ?—At Sligo.
197. Were you an elector at the late election ?—Yes.
198. Who did you vote for ?—For Mr. Wynne.
199. Previous to the election, did you see Mr. Wynne ?—Yes, I did.
200. Upon what occasion ?—I was poor, and I went to Hazlewood one day to see Mr. Wynne. I was told there was a great deal of money to be going at the election.
201. At what time was that ?—A few days before the election ; I am not accurate as to the dates ; I never expected to be in this town or see it at the time.

202. Did

E. Killoran.

20 May 1856.

202. Did you see him?—Yes, I did.

203. Did any conversation take place?—Yes.

204. What was the subject of it?—I told him I was an elector, and he told me he did not know me.

205. What did he say, or what did you say?—I wanted some money from him; he told me he would see me in the town.

206. *Chairman.*] What did you say when he said he did not know you?—I said I was an elector; he said then, he would see me in town; he was then engaged.

207. When did he say he would see you in town?—I suppose a day or so; I do not know exactly; next day.

208. Did you see him in town?—I did.

209. When was it?—I believe the following day; I believe so.

210. Did you enter into conversation with him?—I did.

211. Whereabout in the town did you see him?—Exactly opposite the court-house.

212. What occurred then?—I came, sir, and I told him I was extremely poor, and I wanted some money, and that I would vote for him.

213. What did he say to that request?—He gave me 1 *l.*, and said if he was returned he would remember me, or make a man of me, or some of those words; I took it in that sense, that I would be the better of it.

214. Was the 1 *l.* silver or gold?—A pound note of the Bank of Ireland; a 1 *l.* note.

215. Did anybody see him give you that 1 *l.* note; was any one present?—Several persons in the street; several persons might have seen him; he did not make any mystery of it; several persons might have seen him, for all I know; he gave me it in the street; there was a man of the name of Ward see him give it me,—James Ward.

216. You took the 1 *l.* note of him; what occurred then; did you remain standing in the street?—No.

217. What did you do?—I went to drink some whiskey.

218. Was anybody with you?—There was.

219. What did you do with the note?—I gave it to my wife. I had some silver. It is a very common thing at an election to take a little drop.

220. Whom did you vote for?—For Mr. Wynne.

221. Do you know a person of the name of John Lyons?—I do.

222. What is he?—He is a shopkeeper and cloth-merchant; a very respectable man seemingly, and he keeps a nice shop.

223. Did you, on the polling day, go to the tally-room?—I did.

224. What did you go there for?—I went to look for Mr. Lyons.

225. Whom did you see; was that Mr. Wynne's tally-room?—Yes.

226. Whom did you see there?—Several persons. I met Mr. Monds there; he asked me would I go and vote for him; I said I would not. I met Mr. Woods there, a leather merchant. He asked me would I vote for him, and I said I would not till I had seen Mr. Lyons, and Mr. Lyons was not there this time; however, he was sent for, I believe; he came, and I went to the poll.

227. Was Mr. Lyons your landlord?—Yes.

228. He was?—Yes, and is.

229. Did you have any conversation respecting your rent?—

Cross-examined by Mr. *Slade.*

230. You are a baker?—Yes.

231. Were you over in England at work the year before the election?—Never.

232. Were you not away from home?—I was.

233. Where?—At Mount Bellew, county Galway.

234. Why did you want to see Mr. Lyons before you voted?—I should rather go with him than any other name.

235. Why did you want to see Mr. Lyons; why did you want to see him more than any other man?—He was my landlord; in preference I would go with him before any other.

236. You would not go with Monds; could not you go up by yourself; you had

E. Kil'oran.

20 May 1856.

had a pound note?—I wanted to see Mr. Lyons; I owed Mr. Lyons some money; I owed him some rent.

237. And you wanted a little more money than a pound note?—Indeed if I had got more I would take it; no two ways about it.

238. Was not that the reason you wanted a little more?—I did want more.

239. You do not think now you had enough?—No, I had not enough.

240. How long have you been in England now?—It is something better than two months, I believe a day or two; I do not know the date; I cannot be accurate.

241. Who did you tell this story to about Mr. Wynne giving you the 1 *l.* note at first?—In fact I kept it a secret.

242. Who did you tell it first to?—Ward see him give it me; I went in and gave it to my wife.

243. Who did you tell the story to first that Mr. Wynne gave you this 1 *l.* note?—I believe it was to the attorney.

244. Who was that attorney?—I believe it was Mr. Powell.

245. When did you tell it to Mr. Powell?—Previous to coming here.

246. How long after you had got the money did you tell Mr. Powell?—When the election was over.

247. How long after you had got the money did you tell Mr. Powell?—It might have been a week.

248. Was it a week or a day?—Positively more than days.

249. Had you told it to anybody else before that?—I kept it a secret; nobody knew it unless Ward, because I expected more.

250. Is Ward here?—He is.

251. Have you seen him to-day?—I can see him now if I like.

252. Who brought you to London?—Mr. Somers.

253. How soon after you told Powell were you brought to London?—I think it was the same day.

254. Did you travel with Mr. Somers up to London?—Yes.

255. Did you come first or second class?—I do not know what classes.

256. Did you sit in the same carriage with Mr. Somers all the way up?—I did.

257. Have you been with Mr. Somers ever since?—Yes.

258. In the same house?—Yes.

250. Do you take your meals with him?—Yes; not at the same table though.

260. In the same room?—No.

261. Where did you sleep at; Mr. Somers's house?—Yes, sir.

262. Not in the same room?—I did not; not in the same room.

263. Did he lock you in every night?—Never.

264. Are you quite sure?—Quite satisfied.

265. Did he lose sight of you all day; what have you been doing all day?—Walking about the town.

266. Anybody with you?—Sometimes.

267. Mr. Somers?—Sometimes.

268. Mr. Somers?—Never; he never walked with me.

269. Who did he send with you?—I do not know the person's name here; I was able to make my own way after the first week; the first week I was not able.

270. Just tell the Committee; you say you gave it to your wife this 1 *l.* note?—Yes.

271. Where was she when you gave it to her?—At home in the house.

272. Whereabout in the house?—I suppose inside the counter; I do not know where exactly.

273. It is not often you get a 1 *l.* note as a bribe?—It is not.

274. I dare say you can tell these gentlemen where your wife was?—I dare say she might have been inside.

275. She was inside?—Yes.

276. In the shop?—I suppose the room inside the shop.

277. You swear to that?—I think so.

278. Are you quite certain about it?—I think so.

279. What makes you think that?—My recollection.

280. Did you say anything to her?—I think I told her that I would make more

more of the election, and I expected that I would do, so far as reports went: I had some cause to think so.

281. Did you tell her who gave it you?—No, I do not think I did.

282. Did you tell her where you got that note from?—I do not remember.

283. Try and remember: you told her you thought you would make more of the election; did you tell her that you had got it as a bribe?—No.

284. Did you tell her that you had got it for your vote?—I could not get it for my vote; it was not given at all at the time.

285. What did you get it for?—The gentleman gave it to me perhaps out of good feeling; I told him I was poor.

286. I thought you said that you told Mr. Wynne that you wanted some money, and you would vote for him if you got it?—I told him I would vote for him.

287. When you asked him for the money?—Yes.

288. Did you tell your wife that you had got this for the election, as part of the election plunder?—No, I did not, nor neither did I consider it any plunder; I could not say such a word.

289. Did you tell your wife what you got it for?—I do not know whether I did or not; that is the fact.

290. Are you quite sure you told her that you expected to get more?—I am satisfied I did; I am satisfied she also expected it.

291. You expected to get more?—Yes, and she did.

292. How did Mr. Wynne give it; was it in a purse?—I think not; I think it was in his waistcoat pocket; I did not mind.

293. To the best of your recollection, did Mr. Wynne take it out of his waistcoat pocket?—I think so; I cannot be certain.

294. Can you tell us whether he put his hand in his pocket and took his purse out, or his pocket-book?—I do not know whether he did.

295. Tell us whether or not?—I cannot tell that; I do not mind where he got it; I do not remember. I well recollect he gave me a note; no question of it; out of what pocket I do not know.

296. You say there were many people by?—Several were in the street; not immediately close.

297. Where was Ward standing?—He was standing very convenient.

298. Have the kindness to tell the Committee what "very convenient" means; how near was he; was he at your right or your left hand?—On my left hand.

299. Was he facing Mr. Wynne?—He was a little on my left.

300. Was his back turned to Mr. Wynne?—No.

301. With his face turned to Mr. Wynne?—Rather turned to Mr. Wynne.

302. And was he near enough to hear what passed?—I do not know whether he heard what passed or not.

303. I asked you whether he was near enough to hear it?—I think he was.

304. Was Ward a voter?—No.

305. Did Ward say anything to you when he saw you get that pound?—He did.

306. What did Ward say?—"Killoran," he said, "have you 10*l.*?" and I opened my hand, and he saw only 1*l.*; that is the word he expressed.

307. That was about the figure you expressed?—If I had got more I would take it, for there is nothing like telling the truth.

308. Did Ward and you go and drink the whiskey?—We did.

309. I suppose after you had got this pound you stood treat to Ward?—Yes.

310. How much did you stand?—A couple of noggins; portions you call them here; we have a different interpretation there.

311. A couple of quarterns?—I do not know; I know what a noggin is; it is a glass of whiskey; half quarterns or quarterns I do not understand here.

312. You have told this story over pretty often during the two months that you have been in London, have you not?—I was asked by a couple of gentlemen, I believe; I do not know them; and I told them, yes, I did.

313. It was written down?—Yes.

314. When did you first tell it to Mr. Somers?—I first told Attorney Powell, and then when he heard it, and when Mr. Somers heard it, he brought me all this way.

315. Is it true you were very poor?—It is true.

E. Killoran.

20 May 1856.

316. Are you still very poor?—Not very rich, indeed; I am not very poor; enough to eat and drink, thank God.

317. Mr. Somers gives you that?—I have hands to earn it; I always live by my trade, but the best of men may come down a little in the world by the times. I was often richer.

318. Did you tell Ward that you had been over to Mr. Wynne's the day before?—I do not recollect that I did; he knew nothing of it; he was not with me.

319. Did you tell Ward that you had been over to Mr. Wynne's the day before?—I might, in the course of conversation.

320. Did you or not?—I think I might; I think I did; I am not certain; I might have told Ward in the course of conversation.

Re-examined by Mr. *Lewis.*

321. You used the word "convenient;" what do you mean by that?—Within a yard or two.

322. When you went with Ward to the public-house, and treated Ward to this drink of whiskey, did you pay for it?—I did.

323. With what money did you pay for it?—I suppose 1 *s.*; I got some change, I think.

324. That was not a note?—Decidedly not.

[The Witness withdrew.

James Ward, sworn; and Examined by Mr. *O'Connell.*

James Ward.

325. WHERE is your residence?—Sligo.

326. What business are you?—A Baker by trade; I buy butter and eggs, and I buy pigs, and send them to England.

327. Do you know the last witness, Edward Killoran?—I do.

328. Do you remember meeting him in the street in Sligo?—I do.

329. In the course of the week, before the election?—I did.

330. Did you see Mr. Wynne in the street?—I did; I saw him talking to Mr. Wynne.

331. Had you walked to the place where he met Mr. Wynne in company with Killoran?—I had; I walked part of the road with him before he met Mr. Wynne.

332. Did a conversation take place between them?—There was some talk between Mr. Wynne and himself.

333. Where were you while this conversation took place?—I just stood behind their backs, just on one side of them.

334. How was your face turned?—My side face was turned to their backs.

335. Which of them began the conversation, do you remember?—I know Killoran went over to speak to Mr. Wynne, and they had some conversation between themselves.

336. Did you hear any part of that conversation?—I heard some part of it; I heard Mr. Wynne ask him who he voted for.

337. Was that the first thing you heard?—Yes.

338. What answer did Killoran make?—He said he would vote for him.

339. Did he say anything further?—I did not hear him say anything further; Mr. Wynne said that if he would vote for him, he would certainly make a man of him if he was returned.

340. Did you hear him say that?—I did.

341. Did Mr. Wynne do anything?—I saw Mr. Wynne handing a paper over to Killoran; Killoran parted with Mr. Wynne, and then Killoran and I walked together up the street, and Killoran says I, "it must be a 10 *l.* note you have got from Mr. Wynne;" and Killoran opened his hands, and what was in his hands but a 1 *l.* note.

342. Had you seen his hand from the time he took it?—He never opened it till I helped to open it.

343. What did you and Killoran do then?—We went a little further to a public-house and drank two noggins of spirits.

Cross-

Cross-examined by Mr. *Huddleston.*

344. You said you had two noggins of whiskey?—Yes.

345. I suppose Killoran paid for it?—He did.

346. Then Killoran gave a pound note to his wife?—I do not know.

347. She standing behind the counter?—I do not know.

348. How often have you been convicted for drunkenness?—Never but once; I was never summoned before the bench but once.

349. Do you swear that?—Yes.

350. That was for drunkenness, was it not?—No, it was for making a noise.

351. They said you had taken too much, did they not?—I had some, only I was able to keep my feet well.

352. They fined you for making a noise, or for drunkenness, did they not?—They fined me 2 *s.* 6 *d.* for making a noise.

353. When did you first mention to any person that you saw this 1 *l.* note?—Often.

354. To whom first?—I cannot recollect.

355. When were you first asked to come as a witness to support Killoran?—I got the Speaker's warrant.

356. When?—I believe it was on the 7th of last month.

357. Where have you been ever since?—I have been in London.

358. Where; at Mr. Somers's house?—Yes.

359. With Killoran?—Yes.

360. Have you and he been walking about together?—Certainly.

361. I suppose you never mentioned the subject about the 1 *l.* note?—What business had I to mention it when I knew he got it; I might have mentioned it.

362. Did you?—Yes, I did.

363. And you talked it over?—Yes, often.

364. Did you go to be examined at Mr. Coppock's, in Parliament-street?—No.

365. Do you know Mr. Coppock?—I do not know him; I did not go to Parliament-street.

366. Did Mr. Coppock come and examine you?—I do not know who, but I was examined.

367. Were you examined by a gentleman who was the Parliamentary agent?—I cannot say what gentleman he was.

368. Mr. Coppock was the Parliamentary agent?—I do not know indeed.

369. Had you not heard from Mr. Somers that Mr. Coppock refused to go on with the petition?—I had no conversation of the kind with Mr. Somers.

370. You were examined by another gentleman?—I was.

371. Your evidence was taken down by another gentleman, and Killoran's?—Yes.

372. They did not believe you?—I do not know whether they did or not.

373. Mr. *Slade.*] Did they tell you that they could not believe it?—They told me no such thing.

374. Have you seen the gentleman who took your evidence down here to-day, Mr. Coppock?—I do not know; I really do not know him.

375. Have you seen him to-day?—I do not know whether I have or not.

Re-examined by Mr. *O'Connell.*

376. You got the Speaker's summons on the 2d of April?—I think so.

377. You came here immediately?—Yes, I did come over.

[The Witness withdrew.

Mrs. *Catharine Killoran*, sworn; and Examined.

Mrs. C. Killoran.

20 May 1856.

378. Mr. *Slade.*] DID you kiss the book?—I did.

379. Mr. *Lewis.*] Are you the wife of Edward Killoran?—Yes.

380. He is a baker?—Yes.

381. Do you remember the last election at Sligo?—Yes.

382. Do you remember your husband coming to you a few days before the election?—Yes.

383. Did he tell you about his having seen either of the candidates?—No, he did not tell me.

384. Did he give you any money?—He did.

385. What was it?—1 *l.*

386. A 1 *l.* note?—Yes.

387. Did he tell you where he got it from?—No, but he told me he would make more money of the election.

388. Did he say who gave him that money?—No, he did not say to me at that time.

Cross-examined by Mr. *Slade.*

389. What time in the day was this when he came?—I cannot exactly say the time of the day.

390. Was it morning, noon, or afternoon?—I think about the course of the day; I do not know exactly to the hour.

391. Was it before dinner, or after dinner, or tea time?—Some people have a different time for dining, but I think it was after dinner.

392. In the afternoon?—Yes.

393. Where were you in the house?—In the little room behind the shop; the kitchen.

394. Did you ask him where he got it from?—Not at that time; he told me not to mind—"Take it, I will make more money of the election."

395. How long have you been here?—Since yesterday.

396. Did you ever tell it to anybody?—No.

397. You kept it quite secret?—Yes.

398. And told it to nobody till you came up yesterday?—No.

399. Nobody there?—Not one.

Mr. *O'Connell* stated that he had now closed the case of the Petitioner.

The *Chairman* stated that as the case lay in so narrow a compass, the Committee, would very much desire that Mr. O'Connell should make what comments he thought right upon it.

Mr. *O'Connell* stated that as the case was so fresh in the recollection of the Committee he would consult the convenience both of his opponents and all other parties by not trespassing upon the time of the Committee.

Mr. *Slade* stated that he would give his learned friend very little trouble, and he would call Mr. Wynne himself.

The Right Honourable *John Wynne*, a Member of The House, having been sworn, was Examined by Mr. *Slade.*

Right Hon. *J. Wynne*, M. P.

400. YOU are the sitting Member for Sligo?—Yes.

401. Mr. Mostyn was your agent, I believe?—He was.

402. Is it the fact that Mr. Mostyn had your positive instructions in no way whatever to contravene the law expressly enacted with reference to bribery and treating?—Nothing could be more explicit than my directions to him on that subject.

403. You have heard the evidence given by the witness Killoran?—I have.

404. Is there a word of truth in that evidence?—Not one single word from beginning to end. I might say one word, which might, as I am opposed to the oaths of three persons, be worth noting: I do not believe that I had given a 1 *l.* note

Right Hon. *J. Wynne*, M. P.

20 May 1856.

1*l.* note to any individual in the year 1856 in the town of Sligo. I always paid large sums by cheques and small sums by orders on a person who transacts business there for me in Sligo. I never carried a 1*l.* note about me. I had not a 1*l.* note in my possession during the election, but one, that was handed me by Mr. Grahame, Mr. Somers's agent, along with a notice to prove my qualification.

The Committee-room was cleared.

After a short time the Counsel and parties were again called in, and informed by the *Chairman*, that the Committee had unanimously come to the following Resolution :—

"That the Right Honourable John Wynne is duly elected a Burgess to serve in this present Parliament for the Borough of Sligo."

Mr. *Slade* stated that he must apply to the Committee further to resolve that the Petition was both frivolous and vexatious, and referred to the 11th & 12th Vict. c. 98, s. 89, and read, "Whenever any Committee appointed to try an Election Petition reports to the House that such Petition was frivolous and vexatious, the parties, if any, who have appeared before the Committee in opposition to such Petition, shall be entitled to recover from the persons, or any of them who signed such Petition, the full costs and expenses."

Mr. *O'Connell* was heard against the application.

The Committee-room was cleared.

After a short time, the Counsel and parties were again called in, and informed by the Chairman that the Committee had come to the following Resolutions :—

"That the Petition of John Patrick Somers was frivolous and vexatious."

"That it is the opinion of the Committee that there are strong grounds for believing that Edward Killoran and James Ward, in giving their evidence before the Committee, have been guilty of wilful and corrupt perjury."

SLIGO ELECTION.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

SLIGO BOROUGH ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1856.)

Ordered, by The House of Commons, *to be Printed,*
22 *May* 1856.

234.

Under 3 *oz.*

FIRST REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have formed into Groups the following Bills, and have agreed to Report the same to the House:

GROUP A.

Cheltenham Gas.

Knottingley Gas.

Lancaster Gas.

Weymouth and Melcombe Regis Gas.

GROUP B.

Cambridge University and Town.

Norwich Union Life Insurance Society.

GROUP C.

Chorley Water.

Shrewsbury Water.

Tormoham Water.

FIRST REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
22 *February* 1856.

SECOND REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made the following alterations in the Groups of Private Bills already formed, and have formed the following new Groups, which they have agreed to Report to the House:

GROUP A.

They have withdrawn the—

Knottingley Gas Bill.

GROUP B.

They have withdrawn the—

Norwich Union Life Insurance Society Bill.

They have formed the following new Groups:

GROUP D.

Edinburgh Water Bill.
Edinburgh Municipality Bill.
Perth Burgh and Harbour Bill.

GROUP E.

Glasgow Court Houses and Public Offices Bill.
Glasgow Paving Bill.

GROUP F.

Bath Gas Bill.
Gloucester Gas Bill.
Wakefield Gas Bill.
Worksop Gas Bill.

GROUP G.

Broadstairs Harbour, Pier and Landing-place Bill.
Middlesbrough Extension and Improvement Bill.
North Shields and Tynemouth Dock Bill.

GROUP H.

Filey Water Bill.
Leeds Water Bill.
Leeds Improvement Acts Amendment Bill.
Scarborough Water Bill.

GROUP J.

Clay Cross Water Bill.
Dewsbury, Batley and Heckmondwike Water Bill.
Dover Water Bill.
Grand Junction Water Bill.

COMMITTEE OF SELECTION.

SECOND

REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed.*
29 February 1856.

73.

THIRD REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made the following alteration in the Groups of Private Bills already formed, and have made further Groups of the undermentioned Bills, which they have agreed to Report to the House:

GROUP G.

They have withdrawn the—

Broadstairs Harbour, Pier and Landing-place Bill.

They have formed the following new Groups:

GROUP K.

Boston Gas.
Wandsworth and Putney Gas.
West Ham Gas.

GROUP L.

Crystal Palace Company.
Deeping Fen Drainage.
Lands Improvement Company of Scotland.

GROUP M.

Birkenhead Docks.
Bournemouth Improvement and Pier.

GROUP N.

Cork Bridges, Waterworks, &c.
Imperial Hotel Company.
Norwich Union Life Assurance Company.

GROUP O.

Barnsdale and Leeds Road.
Bawtry and Tinsley Road.
Godley-lane Road.
Halifax and Huddersfield Road.
Knaresboro' and Greenhamerton Road.
Knaresboro' and Pateley Bridge Road.
Rotherham and Barnsby Moor Road.
Rotherham and Swinton Road.
Stockton and Middlesbrough Road.

GROUP P.

Blackburn, &c. Road.
Conway and Llanidloes Road.
Crowland and Eye Road.
Donnington Turnpike Trust.
Honiton and Sidmouth Road.
Kettering and Newport Pagnell Road.
Luton District Road.
Monmouth Road.
Sleaford and Tattershall Road.
Uttoxeter and Blythe Marsh Road.

GROUP Q.

Antrim and Coleraine Road.
Brough and Eamont Road.
Chester and Northop Road.
Colnbrooke, Datchet and Slough Road.
Dundalk and other Roads.
Leicester and Welford Road.
Lewes, Eastbourne and Hailsham Road.
Penrith and Cockermouth Roads.
Renfrewshire Road.
Stockport and Warrington Road.
Wem and Bronygarth Roads.

COMMITTEE OF SELECTION.

THIRD REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed*,
12 *March* 1856.

98.

Under 1 *oz.*

FOURTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

THE COMMITTEE OF SELECTION have made the following alteration in the Groups of Private Bills already formed, which they have agreed to Report to the House :

GROUP H.

They have withdrawn the—

Filey Water.

Scarborough Water.

GROUP K.

They have withdrawn the—

West Ham Gas.

Boston Gas.

GROUP O.

They have added the—

Cleobury, North, &c. Road.

FOURTH REPORT FROM THE COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
4 *April* 1856.

FIFTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made the following alterations in the Groups of Private Bills already formed, and have agreed to Report the same to the House:

GROUP J.

They have withdrawn the—

Dewsbury, Batley and Heckmondwike Water Bill.

GROUP M.

They have added the—

Birkenhead Improvement Commissioners Bill.

FIFTH

REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed,*
15 *April* 1856.

SIXTH REPORT

FROM THE

COMMITTEE OF SELECTION

RELATIVE TO THE

GROUPING OF PRIVATE BILLS.

CLASSIFICATION OF PRIVATE BILLS.

The Committee of Selection have made the following alteration in Group J. of Private Bills, and have agreed to Report the same to the House:

GROUP J.

They have added—

The Gloucester Gas (No. 2) Bill.

COMMITTEE OF SELECTION.

SIXTH

REPORT

FROM THE

COMMITTEE OF SELECTION.

Ordered, by The House of Commons, *to be Printed*,
2 *May* 1856.

FIRST REPORT.

GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

MR. STRUTT reported from the General Committee on Railway and Canal Bills,—

THAT they had formed into Groups several Railway and Canal Bills, which they had agreed to Report to The House.

Groups.

No. 1.

Read 2°.

Feb. 18. Metropolitan Railway Bill.
Thames Embankment and Railway Bill.
„ 11. Westminster Terminus Railway Bill.
Mar. 5. East Kent (Communication with West Kent, London and Westminster, &c.) Railway Bill.
Feb. 27. Mid Kent Direct Railway Bill.

No. 2.

Feb. 11. Darenth Valley Railway Bill.
„ 22. Sittingbourne and Sheerness Railway Bill.
„ 19. West London and Crystal Palace Railway Bill.
„ 19. Wimbledon and Croydon Railway Bill.
„ 19. Epsom and Leatherhead Railway Bill.

No. 3.

Feb. 11. Dorset Central Railway Bill.
„ 11. Glastonbury and Bruton Railway Bill.
„ 25. Isle of Wight Steam Bridge and Approaches Railway Bill.
„ 11. London and South Western (Yeovil to Exeter) Railway Bill.
„ 20. Lymington Railway Bill.
„ 12. Poole and Bourne Railway Bill.
„ 13. Salisbury Market Branch and Market House Railway Bill.

No. 4.

Feb. 12. London, Tilbury, and Southend (Extension, &c.) Bill.
„ 11. Luton, Dunstable, and Welwyn Junction Railway Bill.
Tottenham, Hornsey, and Willesden Railway Bill.
Mar. 5. Colne Valley Railway Bill.

No. 5.

Read 2°.

Feb. 11. Eastern Counties Railway Bill.
„ 11. Eastern Union Railway Bill.
„ 11. Lowestoft and Beccles Railway Bill.
„ 18. Norfolk Railway Bill.
„ 13. Yarmouth and Haddiscoe Railway Bill.

No. 6.

Feb. 15. Cannock Mineral Railway (Extensions) Bill.
Mar. 7. Moore and Warrington Railway Bill.
Feb. 15. North Staffordshire (Liverpool Extension) Bill.
„ 15. North Staffordshire (Sandbach to Warrington) Bill.
North Staffordshire, St. Helen's Canal and Railway, and Warrington and Stockport Railway Companies Bill.

No. 7.

Feb. 11. London and North Western Railway Bill.
„ 11. Oxford, Worcester, and Wolverhampton (Extension of Time) Bill.
„ 18. Oxford, Worcester, and Wolverhampton (Additional Capital) Bill.
„ 15. Severn Valley Railway Bill.
„ 11. Shrewsbury and Hereford Railway Bill.
„ 11. Shrewsbury and Welchpool Railway Bill.
„ 18. Vale of Clwyd Railway Bill.
„ 29. Worcester and Hereford Railway Bill.

No. 8.

Feb. 11. Carmarthen and Cardigan Railway (Deviation, &c.) Bill.
„ 11. Ely Tidal Harbour and Railway Bill.
„ 12. Forest of Dean Central Railway Bill.
„ 11. Rhosydd Railway Bill.
„ 11. Swansea Vale Railway Bill.

No. 9.

Feb. 18. Fleetwood, Preston, and West Riding Junction Railway Bill.
„ 18. Midland Railway Bill.
„ 20. North Western Railway Bill.
„ 25. Stockton and Darlington and Newcastle and Carlisle Union Railway Bill.
„ 13. Stockton and Darlington Railway Bill.

No. 10.

Read 2°.

SCOTLAND.

Feb. 11. Alford Valley Railway Bill.

Aberdeen, Peterhead and Fraserburgh Railway Bill.

Aberdeen and Scottish Midland Junction, and Dundee and Arbroath Railways Bill.

„ 11. Aberdeen and Scottish Midland Junction Railway Companies Amalgamation Bill.

Deeside and Alford Valley Railway Extension Bill.

„ 11. Formatine and Buchan Railway Bill.

„ 18. Inverness and Aberdeen Junction Railway Bill.

„ 19. Morayshire Railway Bill.

No. 11.

Feb. 11. Denny Junction Railway Bill.

„ 11. Dunblane, Doune and Callender Railway Bill.

„ 12. Perth Almond Valley and Methven Railway Bill.

„ 11. Scottish Central (Branch to Denny) Railway Bill.

„ 18. Stirling and Dunfermline Railway Bill.

„ 26. West of Fife Mineral Railway Bill.

No. 12.

Feb. 13. Castle Douglas and Dumfries Railway Bill.

„ 13. Maybole and Girvan Railway Bill.

„ 20. North British Railway Bill.

No. 13.

IRELAND.

Feb. 11. Cork and Youghal Railway Bill.

„ 12. Midland Great Western Railway of Ireland (Extension to Strokestown) Railway Bill.

North Western Railway of Ireland Bill.

„ 11. Ulster Railway Bill.

FIRST REPORT.

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
5 *March* 1856.

83.

Under 1 *oz.*

SECOND REPORT.

GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

Mr. Strutt reported from the General Committee on Railway and Canal Bills,—

THAT they had made the following alterations in some of the Groups, which they had agreed to Report to The House.

They have withdrawn—

The Sittingbourne and Sheerness Railway Bill

From GROUP No. 2;

And, The London and South Western (Yeovil to Exeter) Railway Bill

From GROUP No. 3.

And they have added—

The Barnsley Canal and Collieries Railway Bill

To GROUP No. 9.

SECOND REPORT.

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
18 *April* 1856.

THIRD REPORT.

GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

MR. STRUTT reported from the General Committee on Railway and Canal Bills,—

THAT they had withdrawn from the

GROUP No. 11

The Dunblane, Doune and Callander;

The Perth, Almond Valley and Methven;

and,

The Stirling and Dunfermline Railway Bills;—

And had formed them into a separate

GROUP No. 14.

THIRD REPORT.

GENERAL COMMITTEE

ON

RAILWAY AND CANAL BILLS.

Ordered, by The House of Commons, *to be Printed,*
5 June 1856.

REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS REVISION.

1856.

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1856.

Jovis, 3° die Julii, 1856.

Ordered, THAT a Select Committee be appointed "to Revise the Standing Orders of the House."

That the said Committee do consist of—

Colonel Wilson Patten.	Mr. Thomas Greene.
Lord John Russell.	Sir Robert Ferguson.
Sir James Graham.	Sir Erskine Perry.
Mr. Vernon Smith.	Mr. Deedes.
Mr. Disraeli.	Mr. Estcourt.
Mr. Henley.	Mr. Walpole.
Mr. FitzRoy.	Colonel French.
Mr. Evelyn Denison.	

Ordered, That the said Committee have power to send for Persons, Papers and Records.

Ordered, That Five be the Quorum of the said Committee.

THE REPORT - - - - - - - - - - - p. iii
PROCEEDINGS OF THE COMMITTEE - - - - - - p. iv
STANDING ORDERS - - - - - - - - - - p. 1

REPORT.

THE SELECT COMMITTEE appointed to Revise the STANDING ORDERS of The House;—

HAVE considered the matters to them referred, and have agreed to report the STANDING ORDERS, as revised by them, to The House.

17 July 1856.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 14° *die Julii*, 1856.

PRESENT:

Colonel W. Patten.	Sir R. Ferguson.
Mr. FitzRoy.	Mr. Disraeli.
Mr. Greene.	Mr. Vernon Smith.
Mr. Henley.	Sir J. Graham.
Sir E. Perry.	Lord John Russell.
Mr. E. Denison.	

Colonel WILSON PATTEN was called to the Chair.

Committee deliberated.

Standing Orders relating to Private Bills read, considered, and Amendments made.

Standing Orders relating to Public Matters read, considered, and Amendments made.

Proposed new Order read as follows, and Question proposed, "That no Amendments, not being merely verbal, shall be made to any Bill on the third reading."

Amendment proposed, to leave out the words "not being merely verbal" (Mr. *Henley*).

Question put, "That the words proposed to be left out stand part of proposed new Oder."

Committee divided:—

Ayes - - 5.	Noes - - 5.
Sir R. Ferguson.	Mr. E. Denison.
Mr. Greene.	Mr. Disraeli.
Sir E. Perry.	Mr. FitzRoy.
Lord John Russell.	Sir J. Graham.
Mr. Vernon Smith.	Mr. Henley.

The Chairman declared himself with the Ayes.

Question put, and agreed to.

Proposed new Order read, as follows; and Question put, "That this House will not receive any Petition, or proceed upon any motion for a charge upon the Revenues of the East India Company, without the recommendation of the East India Company, sanctioned by the Commissioners for the Affairs of India."

Committee divided:—

Ayes - - 10.	Noes - - 1.
Mr. E. Denison.	Sir Erskine Perry.
Mr. Disraeli.	
Sir R. Ferguson.	
Mr. FitzRoy.	
Colonel French.	
Sir J. Graham.	
Mr. Greene.	
Mr. Henley.	
Lord John Russell.	
Mr. Vernon Smith.	

Proposed

Proposed new Order read, as follows; and Question, "That every Resolution for an Address to the Crown, not being an Address of Congratulation or Condolence, or for unopposed Returns, shall, unless the same has been reported from a Committee of the whole House, be referred to a Select Committee, which shall draw up such Address, and report the same to the House."

Put, and negatived.

[Adjourned to To-morrow (Tuesday), at One o'clock.

Martis, 15° *die Julii*, 1856.

PRESENT:

Colonel WILSON PATTEN in the Chair.

Mr. Greene.	Sir R. Ferguson.
Colonel French.	Sir E. Perry.

Standing Orders further considered, and Amendments made.

Standing Order, No. 136, read.

Amendment proposed after the word "Bill" in line 2, to insert the words "in Great Britain" (Colonel *French*).

Question put, "That those words be there inserted."

Committee divided:—

Ayes - - 2.	Noes - - 2.
Sir R. Ferguson.	Mr. Greene,
Colonel French.	Sir E. Perry.

The Chairman declared himself with the Noes.

Question, "That the Standing Orders, as amended, be reported to The House"—put, and agreed to.

Ordered to report.

STANDING ORDERS.

CONTENTS.

STANDING ORDERS RELATIVE TO PRIVATE BILLS:

Page

I. APPOINTMENT OF COMMITTEES AND EXAMINERS OF PETITIONS FOR PRIVATE BILLS - - - - - - - - - - 3

II. THE TWO CLASSES OF PRIVATE BILLS - - - - - - - - 7

III. STANDING ORDERS, COMPLIANCE WITH WHICH IS TO BE PROVED BEFORE THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS - - - - - - - - - - - - - 11

IV. PROCEEDINGS OF EXAMINERS, OF CHAIRMAN OF COMMITTEE OF WAYS AND MEANS, AND OF COMMITTEES - - - - - 27

PROCEEDINGS OF EXAMINERS OF PETITIONS FOR PRIVATE BILLS - - - - - - 29

——————— OF, AND IN RELATION TO, THE CHAIRMAN OF THE COMMITTEE OF WAYS AND MEANS, AND THE COUNSEL TO MR. SPEAKER - - - - 31

——————— OF THE SELECT COMMITTEE ON STANDING ORDERS - - - - - 33

——————— OF THE COMMITTEE OF SELECTION, AND OF GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS - - - - - - - - - - - 35

——————— OF COMMITTEES ON OPPOSED BILLS - - - - - - - - - - 37

——————— OF, AND IN RELATION TO, COMMITTEES ON BILLS, WHETHER OPPOSED OR UNOPPOSED - - - - - - - - - - - - - - - - 41

——————— OF SELECT COMMITTEE ON DIVORCE BILLS - - - - - - - - 53

V. THE ORDERS REGULATING THE PRACTICE OF THE HOUSE WITH REGARD TO PRIVATE BILLS - - - - - - - - 55

VI. THE ORDERS REGULATING THE PRACTICE IN THE PRIVATE BILL OFFICE - - - - - - - - - - - - - - 63

APPENDIX:

(A.)—FORM OF APPLICATION TO OWNERS, LESSEES AND OCCUPIERS - - - - - 71

(B.)—ACT TO COMPEL CLERKS OF THE PEACE AND OTHERS TO RECEIVE DOCUMENTS REQUIRED TO BE DEPOSITED WITH THEM - - - - - - - - - - - 73

(C.)—ACT PROVIDING FOR THE CUSTODY OF MONIES PAID IN PURSUANCE OF THE STANDING ORDERS - - - - - - - - - - - - - - - 74

STANDING ORDERS RELATIVE TO PUBLIC MATTERS:

RELIGION - 77

TRADE - ibid.

PUBLIC MONEY - - - - - - - - - - - - - - - - - - ibid.

PECUNIARY PENALTIES - - - - - - - - - - - - - - - - 78

TEMPORARY LAWS - - - - - - - - - - - - - - - - - ibid.

PRESENTATION OF PUBLIC PETITIONS - - - - - - - - - - - - ibid.

MEMBERS' PLACES - - - - - - - - - - - - - - - - - 79

STRANGERS - - - - - - - - - - - - - - - - - - - ibid.

PRAYERS - ibid

LETTERS - ibid.

PUBLIC BUSINESS - - - - - - - - - - - - - - - - - 80

OFFICE OF SPEAKER - - - - - - - - - - - - - - - - 81

STRANGERS AND DIVISIONS - - - - - - - - - - - - - - - 82

SELECT COMMITTEES - - - - - - - - - - - - - - - - ibid.

TABLE OF FEES TO BE CHARGED AT THE HOUSE OF COMMONS - - - - - - - - - - - - - - 85

1.

I.

APPOINTMENT OF COMMITTEES AND EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

Appointment of Committees and Examiners of Petitions for Private Bills.

STANDING ORDERS.

I.

APPOINTMENT OF COMMITTEES AND EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

1.

Examiners of Petitions.

THERE shall be one or more Officers of this House, to be called "THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS," who shall be appointed by Mr. Speaker.

2.

Committee on Standing Orders.

There shall be a Committee, to be designated "THE SELECT COMMITTEE ON STANDING ORDERS," to consist of *Eleven* Members, who shall be nominated at the commencement of every Session, of whom *Five* shall be a Quorum.

3.

Committee of Selection.

There shall be a Committee, to be designated "THE COMMITTEE OF SELECTION," to consist of the Chairman of the Select Committee on Standing Orders, who shall be *ex-officio* Chairman thereof, and *Five* other Members, who shall be nominated at the commencement of every Session, of which Committee *Three* shall be a Quorum.

4.

General Committee on Railway and Canal Bills.

There shall be a Committee, to be designated "The General Committee on Railway and Canal Bills," which shall be nominated at the commencement of every Session by the Committee of Selection; and *Five* shall be the Quorum of such Committee.

5.

Committee of Selection may discharge Members and add others.

The Committee of Selection may, from time to time, discharge Members from further attendance on such General Committee, and add other Members in their room, and shall appoint the Chairman of such Committee.

6.

General Committee to appoint Chairman.

The General Committee on Railway and Canal Bills shall appoint from among themselves the Chairman of each Committee on a Railway or Canal Bill, or on a Group of such Bills, and may change the Chairman so appointed from time to time.

Appointment of Committees and Examiners of Petitions for Private Bills.

Committees on Railway and Canal Bills.

7.

The Committee on every Railway and Canal Bill, or Group of Railway and Canal Bills, shall be composed of Five Members not locally or otherwise interested in the Bill or Bills referred to them; the Chairman to be appointed by the General Committee on Railway and Canal Bills, and Four other Members by the Committee of Selection. (*See* also No. 87.)

8.

Committees on Opposed Private Bills.

The Committee on every opposed Private Bill (not being a Railway, Canal or Divorce Bill), or Group of Bills, shall be composed of a Chairman and Four Members not locally or otherwise interested in the Bill or Bills referred to them, to be appointed by the Committee of Selection.

9.

Committees on Unopposed Private Bills.

The Committee on every unopposed Private Bill (not being a Railway, Canal or Divorce Bill), shall, if the same shall have originated in this House, be composed of the Chairman of the Committee of Ways and Means, who shall be *ex-officio* Chairman of every such Committee, together with one of the Members ordered to prepare and bring in the Bill, and one other Member not locally or otherwise interested therein, such Members to be appointed by the Committee of Selection, and shall, if such Bill shall have been brought from the House of Lords, be composed of the Chairman, as aforesaid, and Two other Members, to be appointed by the Committee of Selection, of whom one at least shall not be locally or otherwise interested in the Bill; and the Chairman and one other Member of such Committee shall be the quorum thereof.

10.

Committee on Divorce Bills.

There shall be a Committee, to be designated "THE SELECT COMMITTEE ON DIVORCE BILLS," to consist of *Nine* Members, who shall be nominated at the commencement of every Session, of whom *Three* shall be a Quorum.

11.

Members not to be added to Committees, except by special Order.

After any Committee on a Private Bill shall have met, no Members shall be added thereto, unless by special Order of The House.

7.

The words "in progress" in line 3, have been omitted, and the words "referred to them" inserted.

8.

The words "in progress" have been omitted, and the words "referred to them" inserted in line 4.

11.

The words "been formed" are omitted, and the word "met" inserted. This alteration is made in reference to No. 95.

2.

II.

THE TWO CLASSES OF PRIVATE BILLS.

The Two Classes of Private Bills.

II.

THE TWO CLASSES OF PRIVATE BILLS.

12.

For the purposes of the Standing Orders of this House, all Private Bills to which the Standing Orders are applicable shall be divided into the Two following Classes, according to the subjects to which they respectively relate:— Private Bills divided into Two Classes.

1st Class.—Burial Ground, Making, Maintaining or Altering. 1st Class.
Charters and Corporations, enlarging or altering Powers of.
Church or Chapel, Building, Enlarging, Repairing or Maintaining.
City or Town, Paving, Lighting, Watching, Cleansing or Improving.
Company, Incorporating or giving Powers to.
County Rate.
County or Shire Hall, Court House.
Crown, Church, or Corporation Property, or Property held in Trust for Public or Charitable Purposes.
Ferry.
Fishery, Making, Maintaining or Improving.
Gaol or House of Correction.
Land, Inclosing, Draining or Improving.
Letters Patent, Confirming, Prolonging or Transferring the Term of.
Local Court, Constituting.
Market or Market-place, Erecting, Improving, Repairing, Maintaining, or Regulating.
Police.
Poor, Maintaining or Employing.
Poor Rate.
Powers to sue and be sued, Conferring.
Stipendiary Magistrate, or any Public Officer, Payment of.

And

Continuing or amending an Act passed for any of the purposes included in this or the Second Class, where no further work than such as was authorized by a former Act is proposed to be made.

2d Class.—Making, Maintaining, Varying, Extending or Enlarging any
Aqueduct.
Archway.
Bridge.
Canal.
Cut.
Dock.
Drainage—making and maintaining any Cut for Drainage, being a new Work, where it is not provided in the Bill that the same shall not be more than Eleven feet width at the bottom.
Embankment for reclaiming Land from the Sea or any Tidal River.
Ferry, where any work is to be executed.
Harbour.
Navigation.
Pier.
Port.
Railway.
Reservoir.
Sewer.
Street.
Tunnel.
Turnpike or other Public Carriage Road.
Waterwork.

3.

III.

STANDING ORDERS, COMPLIANCE WITH WHICH IS TO BE PROVED BEFORE THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

Standing Orders, compliance with which is to be proved before Examiners.

III.

STANDING ORDERS, COMPLIANCE WITH WHICH IS TO BE PROVED BEFORE THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS; viz.

1. *Notices by Advertisement* - - - - - - - - - *p.* 13

2. *Notices and Applications to Owners, Lessees and Occupiers of Lands and Houses* - - - - - - - - - - - - *p.* 15

3. *Documents required to be deposited, and the Times and Places of Deposit* - - - - - - - - - - - - *p.* 16

4. *Form in which Plans, Books of Reference, Sections and Cross Sections shall be prepared* - - - - - - - - - - - *p.* 20

5. *Estimates and Subscription Contracts, or Declarations in lieu of Subscription Contracts, and Deposit of Money in certain cases* - - *p.* 23

13.

Compliance with the following Standing Orders shall be proved before one of the Examiners of Petitions for Private Bills; —*viz.*

1. *Notices by Advertisement.*

14.

In all cases where application is intended to be made for leave to bring in a Bill relating to any of the subjects included in either of the Two Classes of Private Bills, Notices shall be given stating the objects of such intended application, and the time at which copies of the Bill will be deposited in the Private Bill Office; and if it be intended to apply for powers for the compulsory purchase of Lands or Houses, or for extending the time granted by any former Act for that purpose, or to amalgamate with any other Company, or to sell or lease the Undertaking, or to purchase or take on lease the Undertaking of any other Company, or to amend or repeal any former Act or Acts, or to levy any Tolls, Rates or Duties, or to alter any existing Tolls, Rates or Duties, or to confer, vary or extinguish any exemptions from payment of Tolls, Rates or Duties, or to confer, vary or extinguish any other rights or privileges, the Notices shall specify such intention; and the whole of the Notice relating to the same Bill shall be included in the same Advertisement, which shall be headed by a short title, descriptive of the Undertaking or Bill.

Notices to state objects of application, when Bills will be deposited in Private Bill Office, and intention to seek for powers to purchase Lands or to amalgamate, &c. or to levy or alter Tolls, to be stated.

15.

In cases of Bills included in the Second Class, and of Bills of the First Class, in respect to which Plans are required to be deposited, such Notices shall also contain a description of all the Termini, together with the Names of the Parishes, Townships, Townlands and extra-parochial places from, in, through or into which the Work is intended to be made, maintained, varied, extended or enlarged, and shall state the time and place of deposit of the Plans, Sections, Books of Reference and Copies of the Gazette Notice respectively, with the Clerks of the Peace, Sheriff Clerks, Parish Clerks, Schoolmasters, Session Clerks, Town Clerks and Clerks of Unions, as the case may be. (*See* Nos. 28, 34 & 35.)

In Second Class Bills, Notices to contain Names of Parishes, &c.

Standing Orders, compliance with which is to be proved before Examiners.

16.

In cases of Bills respecting any Burial Ground, Cemetery or Gas Works, the Notices shall set forth and specify the limits within which such Burial Ground, Cemetery or Gas Works are intended to be erected or made.

Notices to specify limits of Burial Ground or Gas Works.

Cuts, Canals, Navigations, &c.

17.

In all cases where it is proposed to divert into any intended Cut, Canal, Reservoir, Aqueduct or Navigation, or into any intended variation, extension or enlargement thereof respectively, any Water from any existing Cut, Canal, Reservoir, Aqueduct or Navigation, whether directly or derivatively, and whether under any agreement with the Proprietors thereof or otherwise, the Notices shall contain the name of every such existing Cut, Canal, Reservoir, Aqueduct or Navigation, the Waters supplying which will either directly or derivatively flow or proceed into any such intended Cut, Canal, Reservoir, Aqueduct or Navigation, or into any intended variation, extension or enlargement thereof.

When it is intended to divert Water from an existing Cut, &c.

Letters Patent.

18.

In cases of Bills for confirming or prolonging the terms of Letters Patent, each Notice shall have prefixed to it in Capital Letters the name by which the Invention is usually distinguished, and shall contain a distinct description of the Invention for which such Letters Patent have been obtained, and also an account of the Term of their Duration.

Name of Invention to be prefixed in Capitals to Notice.

19.

Publication of Notices in Gazettes and Newspapers.

In the months of *October* and *November*, or either of them, immediately preceding the Application for a Bill, such Notices shall be published *once* in the *London*, *Edinburgh* or *Dublin Gazette*, as the case may be, and in Three successive Weeks in some one and the same Newspaper of the County in which the City, County of a City, Town, County of a Town, or Lands to which such Bill relates shall be situate; or if there be no Newspaper published therein, then in the Newspaper of some County adjoining or near thereto; and if such Bill relate specially to any particular City, County of a City, Town or County of a Town, in which any Newspaper is published, such Notices shall be published in Three successive Weeks, in one and the same Newspaper published therein; or if such Bill do not relate to any particular City, County of a City, Town, County of a Town or Lands, such Notices shall be published once in the *London*, *Edinburgh* or *Dublin Gazette* only, as the case may be; and if such Bill relate to Lands situate in more than one County, such Notices shall be inserted once in each of Three successive Weeks, in some Newspaper or Newspapers which shall be published in *London* at least Six Days in the Week, or in *Edinburgh* or *Dublin* at least Two Days in the Week, as the case may be, and in a Newspaper of the County in which the principal Office of the Company or Companies or other parties who are the Promoters of any such Bill, shall be situate, and in a Newspaper of every County in which any new Works are proposed to be constructed, or in which any lands are situate in respect of which any new or further powers for the completion of Works already authorized are intended to be applied for.

2. *Notices*

Standing Orders, compliance with which is to be proved before Examiners.

2. *Notices and Applications to Owners, Lessees and Occupiers of Lands and Houses.*

20.

Application to Owners, &c. on or before 15th December.

On or before the 15th day of *December* immediately preceding the application for a Bill by which any Lands or Houses are intended to be taken, or an extension of the time granted by any former Act for that purpose is sought, application in writing shall be made to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of all lands and houses so intended to be taken, or which may be taken as being within the limits of deviation defined upon the Plan; and in cases of Bills included in the second class, such application shall be, as nearly as may be, in the form set forth in the Appendix marked (A.)

21.

How Application to be made.

Such application shall be made by delivering the same personally to every such party, or by leaving the same at his usual place of abode, or, in his absence from the United Kingdom, with his agent, on or before the 15th day of *December*, or by forwarding the same by post in a registered letter, addressed with a sufficient direction to his usual place of abode, and posted on or before the 12th day of *December*, at the chief Post Office in *London*, *Manchester*, *Liverpool*, *Birmingham*, *Leeds*, *Newcastle-upon-Tyne*, *Norwich*, *Lincoln*, *Shrewsbury*, *Bristol*, *Exeter*, *Edinburgh*, *Glasgow*, *Aberdeen*, *Inverness*, *Dublin*, *Belfast*, *Cork* or *Athlone*, at such hours and according to such regulations as the Postmaster General shall from time to time appoint, for the posting and registration of such letters.

22.

Written acknowledgment of Party applied to, and, in case of Application or Notice by post, Post Office Receipt, sufficient evidence.

In all cases the written acknowledgment of the party applied to shall, in the absence of other proof, be sufficient evidence of an application having been made, or notice given; and in case of an application or notice having been forwarded by post, in a registered letter, the production of the Post Office receipt for such letter, duly stamped, in such form as the Postmaster General shall have appointed, shall be sufficient evidence of the due delivery of such letter; Provided it shall appear that the same was properly and sufficiently directed, and that the same was not returned by the Post Office as undelivered.

23.

Lists of Owners, &c. assenting, dissenting and neuter.

Separate Lists shall be made of the Names of such Owners, Lessees and Occupiers, distinguishing those who have assented, dissented or are neuter in respect to such application, or who have returned no answer thereto; and where no written acknowledgment has been returned to an application forwarded by post, or where such application has been returned as undelivered at any time before the making up of such lists, the direction of the letter in which the same was so forwarded shall be inserted therein. (*See* Order 38, directing the deposit of the said Lists in the Private Bill Office.)

Standing Orders, compliance with which is to be proved before Examiners.

24.

Before the deposit of a Petition for leave to bring in a Bill relating to Crown, Church or Corporation Property, or Property held in Trust for Public or Charitable Purposes, or before the First Reading of any such Bill brought from the House of Lords, Notice in writing of such Application to Parliament shall be served upon the Owners or reputed Owners of such Property, and the Lessees or reputed Lessees of such Property, holding Leases granted for a life or lives, or for any term of Twenty-one Years or upwards.

Crown, &c. Property.

Notice to Owners, &c.

25.

Burial Grounds and Gas Works.

Notice to Owners and Occupiers of Houses.

On or before the *Fifteenth* day of *December* immediately preceding the Application for any Bill for making a Burial Ground or Cemetery, or the erection of Works for the manufacture of Gas, Notice shall be served upon the Owner and Occupier of every Dwelling House situated within 300 Yards of the limits within which the proposed Burial Ground, Cemetery or Gas Works are intended to be erected or made.

26.

Relinquishment of Works.

Notice to Owners, &c., when the Bill is to abridge any Public Work.

Previously to the deposit of a Petition for leave to bring in a Bill whereby any part of a Work authorized by any former Act is intended to be relinquished, Notices in writing of such Bill shall be served upon the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in which the part of the said Work intended to be thereby relinquished is situate; and such Notices shall be served, and the service thereof proved, in the same manner as Applications under Standing Orders, Nos. 21 and 22.

27.

Time for serving Notices and Applications.

No Notice served or Application made on a Sunday or Christmas Day, or before Eight o'clock in the forenoon, or after Eight o'clock in the afternoon of any day, shall be deemed valid, except in the case of delivery of letters by post.

3. *Documents required to be deposited, and the Times and Places of Deposit.*

Deposits on or before the 30th November.

28.

Plans and Books of Reference, and Sections, with Clerk of the Peace.

In cases of Bills of the Second Class, a Plan and also a Duplicate thereof, together with a Book of Reference thereto, and a Section and also a Duplicate thereof, as hereinafter described; and in cases of Bills of the First Class, by which any lands or houses are intended to be taken, a Plan and Duplicate thereof, together with a Book of Reference, shall be deposited for public inspection at the office of the Clerk of the Peace for every County, Riding or Division in *England* or *Ireland*, or in the Office of the Principal Sheriff Clerk of every County in *Scotland*, and where any county in *Scotland* is divided into districts or divisions, then in the office of the Principal Sheriff Clerk in or for each district or division in or through which the Work is proposed

posed to be made, maintained, varied, extended or enlarged, or in which such lands or houses are situate, on or before the 30th day of *November* immediately preceding the Application for the Bill.

Standing Orders, compliance with which is to be proved before Examiners.

29.

The Clerks of the Peace or Sheriff Clerks, or their respective Deputies, shall make a Memorial in writing upon the Plans, Sections and Books of Reference so deposited with them, denoting the time at which the same were lodged in their respective offices, and shall at all seasonable hours of the day permit any person to view and examine one of the same, and to make copies or extracts therefrom; and *one* of the two Plans and Sections so deposited, shall be sealed up and retained in the possession of the Clerk of the Peace or Sheriff Clerk until called for by order of one of the Two Houses of Parliament. (*See* Appendix, Act 1 Vict. c. 83.)

Clerks of Peace to indorse a Memorial on Plans, &c.

30.

Tidal Lands.

In cases where the work shall be situate on Tidal Lands within the ordinary Spring Tides, a copy of the Plans and Sections shall, on or before the 30th day of *November*, be deposited at the Office of the Board of Admiralty.

Plans, &c., in certain cases to be deposited at Admiralty.

31.

Railways.

In the case of Railway Bills, a published Map, to a scale of not less than half an inch to a mile, (or in Ireland, to a scale of not less than a quarter of an inch to a mile,) with the line of Railway delineated thereon, so as to show its general course and direction, shall, on or before the 30th day of November, be deposited at the Office of the Clerk of the Peace, or Sheriff Clerk, together with the Plans, Sections and Book of Reference.

Published Map to be deposited with Clerk of Peace, &c.

32.

In the case of Railway Bills, a Copy of all Plans, Sections, and Books of Reference, required by the Orders of the House to be deposited in the Office of any Clerk of the Peace or Sheriff Clerk, on or before the 30th day of November immediately preceding the application for the Bill, together with the said published Map, with the Line of Railway delineated thereon, so as to show its general course and direction, shall on or before the same day be deposited in the Office of the Board of Trade.

Plans, &c. at the Office of the Board of Trade.

33.

On or before the 30th day of *November*, a copy of the said Plans, Sections and Books of Reference, and in the case of Railway Bills, also a copy of the said published Map, with the line of Railway delineated thereon, shall be deposited in the Private Bill Office of this House.

Deposit of Plans, &c. in Private Bill Office.

34.

On or before the 30th day of *November*, a copy of so much of the said Plans and Sections as relates to each Parish in or through which the Work is intended to be made, maintained, varied, extended

Parish Plan, Section and Book of Reference, with Parish Clerk, &c.

Standing Orders, compliance with which is to be proved before Examiners.

tended or enlarged, or in which any lands or houses, intended to be taken, are situate (*see* Fig. 5.), together with a copy of so much of the Book of Reference as relates to such Parish, shall be deposited with the Parish Clerk of each such Parish in *England*, or, in the case of any Extra-parochial Place, with the Parish Clerk of some Parish immediately adjoining thereto, with the Schoolmaster of each such Parish in *Scotland*, or if there be no Schoolmaster of any such Parish, then with the Session Clerk, or in Royal Burghs with the Town Clerk, and with the Clerk of the Union within which such Parish is included in *Ireland*. (*See* Appendix, Act 1 Vict. c. 83.)

35.

Gazette Notice to be deposited with Plans, &c. with Clerks of Peace, Parish Clerks, &c.

Wherever any Plans, Sections and Books of Reference, or parts thereof, are required to be deposited, a Copy of the Notice published in the *Gazette* of the intended application to Parliament shall be deposited therewith.

Deposits on or before the 31st December.

36.

Petition for Bill, &c., to be deposited in Private Bill Office.

Every Petition for a Private Bill, headed by a short Title descriptive of the Undertaking or Bill, corresponding with that at the head of the Advertisement, with a Declaration, signed by the Agent, and a printed copy of the Bill annexed, shall be deposited in the Private Bill Office on or before the 31st day of December; and such Petition, Bill and Declaration shall be open to the inspection of all parties; and printed copies of the Bill shall also be delivered therewith for the use of any Member of The House or Agent who may apply for the same.

37.

Declaration of Agent as to Class of Bill, and Powers thereof, to be annexed to Petition.

Such Declaration shall state to which of the two Classes of Bills such Bill in the judgment of the Agent belongs; and if the proposed Bill shall give power to effect any of the following objects; that is to say:—

Power to take any lands or houses compulsorily, or to extend the time granted by any former Act for that purpose:

Power to levy tolls, rates or duties, or to alter any existing tolls, rates or duties; or to confer, vary or extinguish any exemption from payment of tolls, rates or duties, or to confer, vary or extinguish any other right or privilege:

Power to amalgamate with any other Company, or to sell or lease their Undertaking, or to purchase or take on lease the Undertaking of any other Company:

Power to interfere with any Crown, Church or Corporation property, or property held in trust for public or charitable purposes:

Power

Standing Orders, compliance with which is to be proved before Examiners.

Power to relinquish any part of a work authorized by a former Act:

Power to divert into any intended cut, canal, reservoir, aqueduct or navigation, or into any intended variation, extension or enlargement thereof respectively, any water from any existing cut, canal, reservoir, aqueduct or navigation, whether directly or derivatively, and whether under any agreement with the proprietors thereof, or otherwise:

Power to make, vary, extend or enlarge any cut, canal, reservoir, aqueduct or navigation:

Power to make, vary, extend or enlarge any Railway:

The said Declaration shall state which of such powers are given by the Bill, and shall indicate in which clauses of the Bill (referring to them by their number) such powers are given, and shall further state that the Bill does not give power to effect any of the objects enumerated in this Order, other than those stated in the Declaration.

If the proposed Bill shall not give power to effect any of the objects enumerated in the preceding Order, the said Declaration shall state that the Bill does not give power to effect any of such objects.

The said Declaration shall also state that the Bill does not give any powers, other than those included in the Notices for the Bill.

38.

Other Documents required to be deposited in Private Bill Office.

On or before the 31st day of December there shall be also deposited in the Private Bill Office, all Estimates, Copies of Subscription Contracts and Declarations, and Lists of Owners, Lessees and Occupiers, which are required by the Standing Orders of the House.

39.

Documents to be deposited in Private Bill Office in regard to Joint Stock Companies Bills.

As respects all Bills for the incorporation of Joint Stock Companies, or proposed Companies for carrying on any Trade or Business, or for conferring upon such Companies the power of suing and being sued, (such Bills being Bills of the First Class), there shall be deposited in the Private Bill Office, together with the Petition for the Bill, a copy of the Deed or Agreement of Partnership (if any) under which the Company or proposed Company is acting, or of the Subscription Contract (if any), and in all cases a declaration in writing stating the following matters:—

1st.—The present and proposed amount of the Capital of the Company.

2d.—The number of Shares, and the amount of each Share.

3d.—The number of Shares subscribed for.

4th.—The amount of Subscriptions paid up.

Standing Orders, compliance with which is to be proved before Examiners.

5th.—The names, residences and descriptions of the Shareholders or Subscribers (so far as the same can be made out), and of the actual or provisional Directors, Treasurers, Secretaries or other officer, if any.

And such documents shall be verified by the signature of some authorized officer of the Company or proposed Company (if any), and by some responsible party promoting the Bill.

40.

Copies of Estimate, Subscription Contract, or of Declaration, &c., to be printed, and delivered in Vote Office and Private Bill Office.

Previously to the deposit of a Petition for a Bill, copies of the Estimate of Expense of the Undertaking under such Bill, and of the Subscription Contract, if any, with the Names of the Subscribers arranged in alphabetical order, and the amount of the Deposit respectively paid up by each such Subscriber, and the total amount of such Subscriptions, and of the Sums so paid up; or where a Declaration alone, or Declaration and Estimate of the probable amount of Rates and Duties, are substituted for a Subscription Contract, copies of such Declaration, or of such Declaration and Estimate, shall be printed at the expense of the Promoters of the Bill, and delivered at the Vote Office for the use of the Members of The House, and at the Private Bill Office for the use of any Agent who may apply for the same.

41.

Copy of Railway, &c. Bills to be deposited at Board of Trade, and of Navigation, &c. Bills with Admiralty, &c., and of Turnpike Bills with the Secretary of State.

On or before the 31st day of *December*, a printed Copy of every Railway and Canal Bill, and of every Bill for incorporating or giving powers to any Company, shall be deposited in the Office of the Board of Trade, a printed copy of every Bill relating to any Dock, Harbour, Navigation, Pier or Port shall be deposited in the Office of the Board of Admiralty and in the Office of the Board of Trade, and a printed copy of every Bill relating to Turnpike Roads at the Office of the Secretary of State for the Home Department.

42.

Deposit not valid on Sunday, &c.

No Deposit shall be deemed valid if made on a Sunday or Christmas Day, or before Eight o'clock in the forenoon, or after Eight o'clock in the afternoon of any day.

4. *Form in which Plans, Books of Reference, Sections and Cross Sections shall be prepared.*

43.

Plans.

Description of Plans.

Every Plan required to be deposited shall be drawn to a scale of not less than *Four* inches to a Mile, and in the case of Bills of the First Class, shall describe the lands intended to be taken, and in the case of Bills of the Second Class, shall describe the line or situation of the whole of the Work (no alternative line or Work being in any case permitted), and the lands in or through which it is to be made, maintained,

Standing Orders, compliance with which is to proved before Examiners.

tained, varied, extended or enlarged, or through which every communication to or from the Work shall be made; and where it is the intention of the Parties to apply for powers to make any lateral deviation from the line of the proposed Work, the limits of such deviation shall be defined upon the Plan, and all Lands included within such limits shall be marked thereon; and unless the whole of such Plan shall be upon a scale of not less than a *quarter* of an *inch* to every 100 feet, an enlarged Plan shall be added of any Building, Yard, Court-Yard or Land within the curtilage of any Building, or of any Ground cultivated as a Garden, either in the line of the proposed Work, or included within the limits of the said deviation, upon a scale of not less than a *quarter* of an *inch* to every 100 feet. (*See* Fig. 3.)

Lands within Deviation to be on Plan.

Buildings, &c. on enlarged Scale.

44.

In all cases where it is proposed to make, vary, extend or enlarge any Cut, Canal, Reservoir, Aqueduct or Navigation, the Plan shall describe the Brooks and Streams to be directly diverted into such intended Cut, Canal, Reservoir, Aqueduct or Navigation, or into any variation, extension or enlargement thereof respectively, for supplying the same with Water.

Plan to describe Brooks, &c. to be diverted.

45.

In all cases where it is proposed to make, vary, extend; or enlarge any Railway, the Plan shall exhibit thereon the distances in miles and furlongs, from one of the termini; and a memorandum of the radius of every curve not exceeding One Mile in length shall be noted on the Plan in furlongs and chains; and where tunnelling as a substitute for open cutting is intended, such tunnelling shall be marked by a dotted line on the Plan.

Distances to be marked in Miles and Furlongs, and memorandum of Curves and Tunnelling.

46.

If it be intended to divert, widen or narrow any Turnpike Road, Public Carriage Road, Navigable River, Canal or Railway, the course of such diversion, and the extent of such widening or narrowing, shall be marked upon the Plan.

Diversion and widening or narrowing of Roads, &c. to be shown.

47.

Book of Reference.

The Book of Reference to every such Plan shall contain the names of the Owners or Reputed Owners, Lessees or Reputed Lessees, and Occupiers of all Lands and Houses in the Line of the proposed Work, or within the limits of deviation as defined upon the Plan, and shall describe such Lands and Houses respectively.

Contents of Book of Reference.

Sections.

48.

The Section shall be drawn to the same horizontal scale as the Plan, and to a vertical scale of not less than *one inch* to every 100 feet, and shall show the surface of the ground marked on the Plan, the intended level of the proposed Work, the height

Section to be drawn to a scale of not less than one inch to every 100 feet.

Standing Orders, compliance with which is to be proved before Examiners.

height of every Embankment and the depth of every Cutting, and a datum horizontal line, which shall be the same throughout the whole length of the Work, or any Branch thereof respectively, and shall be referred to some fixed point (stated in writing on the section), near some portion of such Work, and in the case of a Canal, Cut, Navigation, Turnpike or other Carriage-road or Railway, near either of the Termini. (*See* line D. D., Fig. 2.)

49.

Section to specify level of both banks.

In cases of Bills for improving the Navigation of any River, there shall be a Section which shall specify the Levels of both Banks of such River; and where any alteration is intended to be made therein, it shall describe the same by Feet and Inches, or decimal parts of a foot.

50.

Line of Railway on Section to correspond with upper surface of Rails.

In every Section of a Railway, the Line of the Railway marked thereon shall correspond with the upper surface of the rails. (*See* line S. S. Fig. 2.)

51.

Vertical measures to be marked at change of gradient.

Distances on the Datum Line shall be marked in miles and furlongs, to correspond with those on the Plan; a vertical measure from the Datum Line to the Line of the Railway shall be marked in feet and inches, or decimal parts of a foot, at each change of the gradient or inclination; and the proportion or rate of inclination between each such change shall also be marked.

52.

Height of Railway over, or depth under surface of Roads, &c. to be marked, and Bridges and Level Crossings.

Wherever the line of the Railway is intended to cross any turnpike-road, public carriage-road, navigable River, Canal or Railway, the height of the Railway over or depth under the surface thereof, and the height and span of every Arch of all Bridges and Viaducts, by which the Railway will be carried over the same, shall be marked in figures at every crossing thereof; and where the Railway will be carried across any such turnpike-road, public carriage-road or Railway, on the level thereof, such crossing shall be so described on the Section; and it shall also be stated if such level will be unaltered.

53.

Cross Sections of Canals, Roads, &c. crossed by the Railway when level or rate of inclination altered.

If any alteration be intended in the water level of any Canal, or in the level or rate of inclination of any turnpike-road, public carriage-road, or Railway, which will be crossed by the line of Railway, then the same shall be stated on the said Section, and each alteration shall be numbered; and Cross Sections, in reference to the said numbers, on a horizontal scale of not less than one inch to every 330 feet, and on a vertical scale of not less than one inch to every 40 feet, shall be added, which shall show the present surface of such Canal, Road or Railway, and the intended surface thereof when altered; and the greatest of the present and intended rates of inclination of such Road or Railway shall also be marked in figures thereon; and where any public carriage-road is crossed on the level, a Cross Section

53.

The words " and the level of such road remains unaltered," are omitted.

Section of such road shall also be added; and all such Cross Sections shall extend for 200 yards on each side of the centre line of the Railway. (*See* Fig. 4.)

Standing Orders, compliance with which is to be proved before Examiners.

54.

Wherever the extreme height of any embankment, or the extreme depth of any cutting shall exceed Five Feet, the extreme height over or depth under the surface of the ground shall be marked in figures upon the Section: and if any Bridge or Viaduct of more than three arches shall intervene in any Embankment, or if any Tunnel shall intervene in any Cutting, the extreme height or depth shall be marked in figures on each of the parts into which such Embankment or Cutting shall be divided by such Bridge, Viaduct or Tunnel.

Embankments and Cuttings.

55.

Where tunnelling, as a substitute for open cutting, or a viaduct as a substitute for solid embankment, is intended, the same shall be marked on the Section.

Tunnelling and Viaduct to be marked.

5. *Estimates and Subscription Contracts or Declarations in lieu of Subscription Contracts; and Deposit of Money in certain cases.*

56.

An Estimate of the Expense of the Undertaking under each Bill of the Second Class shall be made and signed by the person making the same, and a Subscription shall be entered into under a Contract, made as hereinafter described, to *three-fourths* the amount of such Estimate. (*See* as to depositing Estimate and Subscription Contract in Private Bill Office, No. 38.)

Estimate and Subscription Contract in Bills of the Second Class.

57.

Every Subscription Contract shall contain the Christian Names and Surnames, Description and Place of Abode of every Subscriber; his Signature to the amount of his Subscription, with the amount which he has paid up; and the Name of the Party witnessing such Signature, and the date of the same respectively; and the legal description and seal of any corporate body being a party to such contract; and the total amount of such Subscriptions, and of the sums so paid up.

Contract to contain Christian and Surnames of Parties.

58.

No Subscription Contract shall be valid, excepting in the case of Railway Bills, (for which *see* Order 59), unless it be entered into subsequent to the close of the Session of Parliament previous to that in which application is made for leave to bring in the Bill to which it relates, and unless the Parties subscribing to it bind themselves, their Heirs, Executors and Administrators, for the Payment of the Money so subscribed, to be recoverable by action at law.

Not valid unless entered into subsequent to close of previous Session.

Standing Orders, compliance with which is to be proved before Examiners.

59.

Subscription Contract not valid, unless entered into subsequent to the commencement of previous Session.

As regards Railway Bills, no Subscription Contract shall be valid, unless it be entered into subsequent to the commencement of the Session of Parliament previous to that in which application is made for leave to bring in the Bill to which it relates, and unless the parties subscribing to it bind themselves, their heirs, executors and administrators, for the payment of the money so subscribed, to be recoverable by action at law.

60.

Subscription Contracts, existing Railway Companies.

In all cases of application to Parliament by existing Railway Companies, for powers to raise additional capital for the purpose of constructing Branches or Extensions, or other new Works, or of contributing towards the expense of constructing other Lines of Railways or Works, a Subscription Contract shall be entered into for Three-fourths of such additional Capital as may be required for these purposes, beyond the Capital authorized to be raised for the existing Lines, whether the Bill be of the first or second class; and deposits shall be duly paid thereon as hereinafter required. (*See* No. 64.)

61.

Cases wherein Declaration may be deposited in lieu or in aid of Subscription Contract.

Where the Work is to be made, wholly or in part, by means of Funds, or out of Money to be raised upon the credit of present Surplus Revenue, belonging to any Society or Company, or under the control of Directors, Trustees, or Commissioners, as the case may be, of any existing Public Work, such parties being the Promoters of the Bill, a Declaration stating those facts, and setting forth the nature of such control, and the nature and amount of such Funds or Surplus Revenue, and showing the actual Surplus of such Funds or Revenue, after deducting the Funds required for purposes authorized by any Act or Acts of Parliament, and also the Funds which may be required for any other Work to be executed under any Bill in the same Session, and given under the common seal of the Society or Company, or under the hand of some authorized Officer of such Directors, Trustees or Commissioners, may be deposited in lieu or in aid of the Subscription Contract, and in addition to the Estimate of the Expense, provided such surplus Funds shall be not less than the whole amount of the Estimate, or the portion thereof not provided for by a Subscription Contract. (*See* as to depositing Subscription Contracts in Private Bill Office, No. 38.)

62.

Cases wherein Declaration and Estimate of Amount of Rates may be substituted for Subscription Contract.

In cases where the Work is to be made out of Money to be raised upon the Security of the Rates, Duties or Revenue to be created by or to arise under any Bill, under which no private or personal pecuniary profit or advantage is to be derived, a Declaration stating those facts, and setting forth the means by which Funds are to be obtained for executing the Work, and signed by the Party or Agent soliciting the Bill, together with an Estimate of the probable amount of such Rates, Duties or Revenue, signed by the Person making the same, may be substituted for the Subscription Contract, and in addition to the Estimate of the Expense. (*See* as to depositing Estimate and Subscription Contract in Private Bill Office, No. 38.)

Deposit

Standing Orders, compliance with which is to be proved before Examiners.

Deposit of Money.

63.

Excepting in the case of a Railway Bill (for which *see* Order 64), a sum not less than *One-twentieth* part of the amount required to be subscribed (*see* No. 56) shall, previously to the 15th day of January, be deposited with the Court of Chancery in *England*, if the Work is intended to be done in *England*, or with the Court of Chancery in *England* or the Court of Exchequer in *Scotland*, if such Work is intended to be done in *Scotland*, and with the Court of Chancery in *Ireland*, if such Work is intended to be done in *Ireland*. (*See* Appendix C.)

One-twentieth part of the Amount required to be subscribed to be deposited.

64.

In the case of Railway Bills, a sum not less than One-tenth part of the amount required to be subscribed (*see* No. 56) shall, previously to the 15th day of January, be deposited with the Court of Chancery in England, if the Railway is intended to be made in England; or with the Court of Chancery in England or the Court of Exchequer in Scotland, if such Railway is intended to be made in Scotland; and with the Court of Chancery in Ireland, if such Railway is intended to be made in Ireland.

One-tenth part of the Amount required to be subscribed to be deposited.

4.

IV.

PROCEEDINGS OF EXAMINERS, OF CHAIRMAN OF COMMITTEE OF WAYS AND MEANS, AND OF COMMITTEES.

Proceedings of Examiners.

IV.

PROCEEDINGS OF EXAMINERS, OF CHAIRMAN OF COMMITTEE OF WAYS AND MEANS, AND OF COMMITTEES.

PROCEEDINGS OF THE EXAMINERS OF PETITIONS FOR PRIVATE BILLS.

65.

When Examination of Petitions to commence.

The Examination of the Petitions for Private Bills which shall have been duly deposited in the Private Bill Office, shall commence on the 25th day of January, in such order and according to such regulations as shall have been made by Mr. Speaker.

66.

Notice to be given by one of the Examiners of day appointed for Examination.

One of the Examiners shall give at least Seven clear Days' Notice in the Private Bill Office of the day appointed for the Examination of each Petition which shall have been duly deposited in the Private Bill Office; and in case the promoters shall not appear at the time when the Petition shall come on to be heard, the Examiner to whom the case shall have been allotted, shall strike the Petition off the General List of Petitions, and shall not re-insert the same, except by order of the House.

67.

Memorials complaining of non-compliance.

Any parties shall be entitled to appear and to be heard, by themselves, their agents and witnesses, upon a Memorial addressed to the Examiner, complaining of a non-compliance with the Standing Orders, provided the matter complained of be specifically stated in such Memorial, and the party (if any) who may be specially affected by the non-compliance with the Standing Orders have signed such Memorial and shall not have withdrawn his signature thereto, and such Memorial have been duly deposited in the Private Bill Office. (*See* Orders 173, 194.)

86.

Proof by Affidavit.

The Examiner may admit Affidavits in proof of the compliance with the Standing Orders of The House, unless in any case he shall require further evidence; and such Affidavit shall be sworn, if in England, before a Justice of the Peace; if in Scotland, before any Sheriff Depute or his Substitute; and if in Ireland, before any Judge or Assistant Barrister of that part of the United Kingdom.

69.

Examiner to indorse Petition, and when Standing Orders not complied with, to report.

The Examiner shall certify by indorsement on each Petition which shall have been duly deposited in the Private Bill Office, whether the Standing Orders have or have not been complied with; and, when they have not been complied with, he shall also report to the House the facts upon which his decision is founded, and any special circumstances connected with the case.

70.

To report in all cases of Petitions for additional provision in Private Bills, &c.

In all cases of Petitions for additional provision in Private Bills and of Estate Bills brought from the House of Lords, and of Bills introduced by leave of this House in lieu of other Bills which shall have been withdrawn, and referred to the Examiner, the Examiner shall give at least Two clear Days' notice, in the Private Bill Office, of the day on which the same will be examined; and he shall report to the House whether the Standing Orders have or have not been complied with; and, when they have not been complied with, the facts upon which his decision is founded, and any special circumstances connected with the case.

71.

Special Report in certain cases.

In case the Examiner shall feel doubts as to the due construction of any Standing Order in its application to a particular case, he shall make a Special Report of the facts to the House, without deciding whether the Standing Order has or has not been complied with; and in such case he shall indorse the Petition with the words "Special Report," either alone, or if non-compliances with other Standing Orders shall have been proved, in addition to the words "Standing Orders not complied with."

70.

After the word "notice," in line 5, the words "in the Private Bill Office" are inserted.

77.

The words "any verbal amendment on the Third Reading of any Private Bill" have been inserted after the word "or," in line 3, in consequence of the new Order 185 A.

Proceedings of Chairman of Ways and Means.

PROCEEDINGS OF, AND IN RELATION TO, THE CHAIRMAN OF THE COMMITTEE OF WAYS AND MEANS, AND THE COUNSEL TO MR. SPEAKER.

72.

Chairman of Ways and Means to examine all Private Bills, &c.

The Chairman of the Committee of Ways and Means, with the assistance of the Counsel to Mr. Speaker, shall examine all Private Bills, whether opposed or unopposed, and call the attention of The House, and also of the Chairman of the Committee on every opposed Private Bill, to all points which may appear to him to require it; and Copies of all such Bills shall be laid by the Agent before the said Chairman and Counsel not later than the day after the Examiner of Petitions shall have indorsed the Petition for the Bill.

73.

Copies of Bill as proposed to be submitted to Committee, to be laid before Chairman of Ways and Means, &c.

Three clear Days at least before the First Meeting of the Committee on any Private Bill, there shall be laid before the Chairman of the Committee of Ways and Means and the Counsel to Mr. Speaker, by the Agent, Copies of every such Bill as proposed to be submitted to the Committee, and such Copies shall be signed by the Agent for the Bill.

74.

Power to Chairman to report special circumstances, &c. to The House.

The Chairman of the Committee of Ways and Means shall be at liberty, at any period after any Private Bill shall have been referred to a Committee, to report to The House any special circumstances relative thereto which may appear to him to require it, or to inform The House that in his opinion any unopposed Private Bill should be treated as an opposed Private Bill.

75.

Copy of Bill as amended in Committee to be laid before Chairman of Ways and Means, &c.

Three clear Days at least before the consideration of any Private Bill ordered to lie upon the Table, a Copy of every such Bill, as amended in Committee, shall be laid by the Agent before the Chairman of the Committee of Ways and Means and the Counsel to Mr. Speaker, and deposited at the Office of the Board of Trade.

76.

On consideration of Report of Railway Bill, Chairman of Ways and Means to acquaint the House if Orders have been observed.

On or before the consideration of the Report of every Railway Bill, the Chairman of the Committee of Ways and Means shall inform The House, or signify in writing to Mr. Speaker, whether the Bill contain the several provisions required by the Standing Orders.

77.

Clause or Amendment on consideration of Bill, or on Third Reading, to be

When it is intended to bring up any Clause, or to propose any Amendment on the consideration of any Private Bill ordered to lie upon the Table, or any verbal amendment on the Third Reading of any Private Bill, the same shall be submitted by the Agent

Proceedings of Chairman of Ways and Means.

submitted to Chairman of Ways and Means, &c.

Agent to the Chairman of the Committee of Ways and Means, and the Counsel to Mr. Speaker, on the day on which notice is given thereof in the Private Bill Office; and the said Chairman shall inform The House, or signify in writing to Mr. Speaker, whether such Clause or Amendment be such as ought or ought not to be entertained by The House, without referring the same to the Select Committee on Standing Orders.

78.

Copy of Amendments by House of Lords, and of proposed Amendments thereto, to be laid before Chairman of Ways and Means, &c.

A Copy of all Amendments made in The House of Lords to any Private Bill, and of all Amendments to such Amendments intended to be proposed in this House, shall be laid by the Agent before the Chairman of the Committee of Ways and Means and the Counsel to Mr. Speaker, before Two o'clock on the day previous to that on which the same are respectively appointed for consideration by The House.

84.

This Order is omitted, in consequence of the new Order 185 A. prohibiting amendments not being merely verbal, on the Third Reading.

Proceedings of Standing Orders Committee.

PROCEEDINGS OF THE SELECT COMMITTEE ON STANDING ORDERS.

79.

To report whether Standing Orders ought or ought not to be dispensed with.

When any Report of the Examiner of Petitions for Private Bills, in which he shall report that the Standing Orders have not been complied with, shall have been referred to the Select Committee on Standing Orders, and after the Petition for the Bill shall have been duly presented, they shall report to The House whether such Standing Orders ought or ought not to be dispensed with, and whether in their opinion the parties should be permitted to proceed with their Bill, or any portion thereof, and under what (if any) conditions.

80.

Proceeding in case of Special Report.

When any Special Report from the Examiner of Petitions as to the construction of a Standing Order shall have been referred to the Select Committee on Standing Orders, they shall determine, according to their construction of the Standing Order, and on the facts stated in such Report, whether the Standing Orders have or have not been complied with, and they shall then either report to the House that the Standing Orders have been complied with, or shall proceed to consider the question of dispensing with the Standing Orders, as the case may be.

81.

To report whether Sessional or Standing Orders ought or ought not to be dispensed with.

When any Petition praying that any of the Sessional or Standing Orders of The House relating to Private Bills may be dispensed with, shall stand referred to the Select Committee on Standing Orders, they shall report to The House whether such Sessional or Standing Orders ought or ought not to be dispensed with.

82.

To report whether Petition ought or ought not to be re-inserted in the General List.

When any Petition for the re-insertion of any Petition for a Private Bill in the General List of Petitions shall stand referred to the Select Committee on Standing Orders, they shall report to the House whether in their opinion such Petition ought or ought not to be re-inserted, and, if re-inserted, under what (if any) conditions.

83.

To report whether Clause or Amendment on consideration of Bill should be adopted by House or not, or whether Bill should be re-committed.

When any Clause or Amendment proposed on the consideration of any Private Bill ordered to lie upon the Table shall have been referred to the Select Committee on Standing Orders, they shall report to The House whether such Clause or Amendment should be adopted by The House or not, or whether the Bill should be re-committed.

84.

In the last line of this Order, the words "which shall be held after the 10th of January in each year" are omitted.

Proceedings of Committee of Selection, &c.

PROCEEDINGS OF THE COMMITTEE OF SELECTION, AND OF THE GENERAL COMMITTEE ON RAILWAY AND CANAL BILLS.

85.

Printed copies of all Private Bills, not being Railway or Canal Bills, shall be laid before the Committee of Selection, and Printed Copies of all Railway and Canal Bills before the General Committee on Railway and Canal Bills, by the parties promoting the same, at the first Meeting of the said Committees respectively.

Printed Copies of Bills to be laid before Committee of Selection and General Committee.

86.

The Committee of Selection may, if they think fit, form into Groups all Private Bills, not being Railway or Canal Bills, and the General Committee on Railway and Canal Bills may form into Groups all Railway and Canal Bills, which, in their opinion, it may be expedient to submit to the same Committee, and shall report the same to The House.

Committee of Selection and General Committee to group Private Bills.

87.

The General Committee on Railway and Canal Bills may, whenever they shall think fit, refer any unopposed Railway or Canal Bill to the Chairman of the Committee of Ways and Means and two other Members not locally or otherwise interested, to be nominated by the Committee of Selection.

Railway and Canal unopposed Bills.

88.

The Committee of Selection shall name the Bill or Bills which shall be taken into consideration on the first day of the meeting of the Committee on any Group of Bills not being Railway or Canal Bills; and the General Committee on Railway and Canal Bills shall name the Bill or Bills which shall be taken into consideration on the first day of the meeting of each Committee on any Group of such Bills.

Committee of Selection and General Committee to name Bill or Bills to be considered on the first day.

89.

The Committee of Selection shall consider no Bill as an opposed Private Bill, unless either previous to, or not later than Seven clear Days after, the Second Reading thereof, a Petition shall have been presented against it, in which the Petitioner or Petitioners shall have prayed to be heard, by themselves, their Counsel or Agents, or unless, where no such Petition shall have been presented, the Chairman of the Committee of Ways and Means shall have reported to The House that in his opinion any Bill ought to be so treated.

What Bills not to be considered opposed.

Proceedings of Committee of Selection, &c.

90.

The Committee of Selection shall refer every opposed Private Bill which shall have been referred to them, or any Group of such Bills, to a Chairman and Four Members, not locally or otherwise interested therein.

Constitution of Committees on opposed Private Bills.

91.

The Committee of Selection shall refer every unopposed Private Bill, which shall have been referred to them, to the Chairman of the Committee of Ways and Means, together with one of the Members ordered to prepare and bring in the same, and one other Member not locally interested therein, if the Bill shall have originated in this House; and if the Bill shall have been brought from The House of Lords, to the Chairman of the Committee of Ways and Means, together with Two other Members, of whom one at least shall not be locally or otherwise interested therein.

Constitution of Committees on unopposed Private Bills.

92.

The Committee of Selection shall give each Member not less than Fourteen Days' notice, by publication in the Votes or otherwise, of the week in which it will be necessary for him to be in attendance for the purpose of serving, if required, as a Member, not locally or otherwise interested, of a Committee on a Private Bill.

Committee of Selection to give notice to Members.

93.

The Committee of Selection shall give to each Member sufficient Notice of his appointment as a Member of a Committee on any Private Bill, or Group of such Bills, and, in every case where a declaration is required to be signed and returned by such Member, shall transmit to him a blank form of the Declaration required, with a request that it may forthwith be returned properly filled up and signed.

Notice of Appointment and Declaration to be transmitted to Members.

94.

The Committee of Selection shall report to The House the name of every Member from whom they shall not have received in due time such Declaration, so filled up and signed, or, in lieu thereof, an excuse which they shall deem sufficient.

Members returning no answer to be reported.

95.

The Committee of Selection shall have the power of substituting, at any time before the first meeting of a Committee, another Member for any Member whom they shall deem it proper to excuse from serving on that Committee.

One Member may be substituted for another.

96.

The Committee of Selection shall, subject to the order in regard to the interval between the Second Reading of every Private Bill and the Sitting of the Committee thereupon, fix the time for holding the *First Sitting* of every Committee on a Private Bill which shall have been referred either to the said Committee, or the General Committee on Railway and Canal Bills.

Committee of Selection to appoint First Sitting of Committee.

97.

The Committee of Selection shall have power, in the execution of their duties, to send for Persons, Papers and Records.

Committee of Selection to send for persons, &c.

Proceedings of Committees on Opposed Bills.

PROCEEDINGS OF COMMITTEES ON OPPOSED BILLS.

98.

Declaration of Members not locally interested.

Each Member of a Committee on an opposed Private Bill, or group of such Bills, shall, before he be entitled to attend and vote on such Committee, sign the following Declaration:

> I do hereby declare, That my constituents have no local interest, and that I have no personal interest, in such Bill; and that I will never vote on any question which may arise without having duly heard and attended to the Evidence relating thereto.

And no such Committee shall proceed to business until the said Declaration shall have been so signed by each of such Members.

99.

Quorum to be always present.

Committees shall be allowed to proceed if Three of the Five Members shall be present, but not with a less number, unless by special leave of the House.

100.

When Proceedings of Committee to commence.

So soon after the expiration of *Ten Minutes* after the time appointed for the first sitting of a Committee on an opposed Private Bill, not being a Railway or Canal Bill, as there shall be present at least *Three* of the *Five* Members appointed to serve on such Committee, provided that all the said *Five* Members shall have duly signed and delivered in the Declaration as hereinbefore provided, the Chairman shall proceed to take the Chair of the Committee.

101.

Members not to absent themselves.

No Member of a Committee on an opposed Private Bill shall absent himself from his duties thereon, except in the case of sickness, or by order of The House.

102.

When Chairman absent.

If the Chairman shall be absent from the Committee, the Member next in rotation on the List of Members who shall be present shall act as Chairman.

103.

Proceedings to be suspended if Quorum not present.

If at any time during the sitting of any Committee, *Three* at least of the Members shall not be present, the Chairman shall suspend the proceedings of such Committee until *Three* at least shall be present; and if at the expiration of *One Hour* from the time fixed for the meeting of the Committee, or from the time when the Chairman shall so have suspended the proceedings, *Three* Members shall not be present, the Committee shall be adjourned to the next day on which The House shall sit, and then shall meet at the hour on which such Committee would have sat, had no such adjournment taken place.

Proceedings of Committees on Opposed Bills.

104.

Members absent to be reported to The House.

If any of the Members shall not be present within One Hour after the time appointed for the meeting of the Committee, or if any Member shall absent himself from his duties on such Committee, every such Member shall be reported to The House at its next sitting.

105.

Absence of Quorum by Death or otherwise to be reported.

If at any time after the Committee on a Bill shall have been formed, a Quorum of Members required by the Standing Orders cannot attend in consequence of any of the Members who shall have duly qualified to serve on such Committee having become incompetent to continue such service by having been placed on an Election Committee, or by death or otherwise, the Chairman shall report the circumstances of the case to The House, in order that such measures may be taken by The House as shall enable the Members still remaining on the Committee to proceed with the business referred to such Committee, or as the exigency of the case may require.

106.

Questions to be decided by majority of voices.

All questions before Committees on Private Bills shall be decided by a majority of voices, including the voice of the Chairman; and whenever the voices are equal, the Chairman shall have a second or casting vote.

107.

Committee on Group to consider that Bill first which Committee of Selection or General Committee shall have named, and to appoint day for Consideration of remaining Bills, of which Clerk of Committee to give Notice.

The Committee on each Group of Bills shall take the Bill or Bills first into consideration which shall have been named by the Committee of Selection, or by the General Committee on Railway and Canal Bills (*see* No. 88); and the Committee shall, from time to time, appoint the day on which they will enter upon the consideration of each of the remaining Bills, and on which they will require the parties severally promoting or opposing the same to enter appearances; and Two clear Days' notice, at the least, of such appointment, shall be sent by the Clerk attending the Committee to the Clerks in the Private Bill Office; and in case the Committee shall postpone the consideration of any Bill, the like notice shall be given of the day of which the same is postponed.

108.

Causes of Adjournment to be specially reported.

Every Committee on an opposed Private Bill shall report specially to the House the cause of any Adjournment over any day on which the House shall sit.

109.

Petition against Bill not to be considered except grounds of objection sufficiently specified.

No Petition against a Private Bill shall be taken into consideration by the Committee on such Bill, which shall not distinctly specify the ground on which the Petitioners object to any of the provisions thereof; and the Petitioners shall be only heard on such grounds so stated; and if it shall appear to the said Committee, that such grounds are not specified with sufficient accuracy, the Committee may direct that there be given in to the

Committee

Proceedings of Committees on Opposed Bills.

Committee a more specific Statement, in writing, but limited to such grounds of Objection so inaccurately specified.

110.

Petitioners against Bill not to be heard unless Petition presented not later than Seven clear Days after Second Reading, &c.

No Petitioners against any Private Bill shall be heard before the Committee on the Bill, unless their Petition shall have been prepared and signed in strict conformity with the Rules and Orders of this House, and shall have been presented to this House by having been deposited in the Private Bill Office, either previous to, or not later than *Seven* clear *Days* after, the Second Reading of such Bill, except where the Petitioners shall complain of any matter which may have arisen during the progress of the Bill before the said Committee, or of any proposed additional provision, or of the Amendments as proposed in the filled-up Bill deposited in the Private Bill Office.

111.

Competition to be a ground of locus standi.

It shall be competent to the Committee on any Private Bill to admit Petitioners to be heard upon their Petitions against such Bill, on the ground of competition, if they shall think fit.

112.

In what cases Shareholders to be heard.

Where a Bill is promoted by an Incorporated Company, Shareholders of such Company shall not be entitled to be heard before the Committee against such Bill, unless their interests, as affected thereby, shall be distinct from the general interests of such Company.

113.

In what cases Railway Companies to be heard.

Where a Railway Bill contains provisions for taking or using any part of the Lands, Railway, Stations or Accommodations of another Company, or for running Engines or Carriages upon or across the same, or for granting other facilities, such Company shall be entitled to be heard upon their Petition against the Preamble and Clauses of such Bill.

114.

Municipal authorities and Inhabitants of Towns, &c.

It shall be competent to the Committee on any Railway or Canal Bill to admit Petitioners, being the Municipal Authorities of any Town, or the Inhabitants of any Town or District alleged to be injuriously affected by a Bill, to be heard against such Bill, if they shall think fit.

115.

When opposed Bills may be treated as unopposed.

In all cases of opposed Private Bills, in which no parties shall have appeared on the Petitions against such Bills, or having appeared shall have withdrawn their opposition before the evidence of the Promoters shall have been commenced, the Committees on such Bills shall forthwith refer them back, with a statement of the facts, if not Railway or Canal Bills, to the Committee of Selection, and if Railway and Canal Bills, to the General Committee on Railway and Canal Bills, who shall deal with them as unopposed Bills.

117.

The words " added in respect of local representation to " in the first line are omitted, and the words " locally or otherwise interested of " inserted.

Proceedings of Committees on Bills.

Proceedings of, and in Relation to, Committees on Bills, whether Opposed or Unopposed.

116.

At the first Meeting of the Committee, Copies of the Bill, as proposed to be submitted to them, and signed by the Agent, shall be laid by him before each Member of the Committee.

Filled-up Copies of Bill to be laid before each Member.

117.

No Member, locally or otherwise interested, of a Committee on any unopposed Private Bill, shall have a Vote on any question that may arise, but every such Member shall be entitled to attend and take part in the proceedings of the Committee.

Local Member not to vote.

118.

The Names of the Members attending each Committee shall be entered by the Clerk on the Minutes of the Committee; and if any Division shall take place in the Committee, the Clerk shall take down the Names of Members voting in any such Division, distinguishing on which side of the question they respectively vote, and that such Lists be given in with the Report to The House.

Names of Members to be entered on Minutes.

119.

No Committee shall have power to examine into the compliance or non-compliance with such Standing Orders as are directed to be proved before the Examiner of Petitions for Private Bills, unless by special order of The House.

Committee on Bill not to inquire into certain Standing Orders.

120.

The Committee on any Private Bill may admit affidavits in proof of the compliance with such Standing Orders of the House as are directed to be proved before them, unless in any case they shall require further evidence; and such affidavits shall be sworn, if in England, before a Justice of the Peace; if in Scotland, before any Sheriff-depute or his substitute; and if in Ireland, before any Judge or Assistant Barrister of that part of the United Kingdom.

Committee may admit affidavits in proof of compliance with Standing Orders.

121.

The Committee may admit proof of the Consents of Parties concerned in interest in any Private Bill, by Affidavits, sworn as aforesaid, or by the Certificate in writing of such Parties, whose Signatures to such Certificate shall be proved by *one* or more Witnesses, unless the Committee shall require further Evidence.

Consents, how to be proved.

122.

The Committee shall make a Special Inquiry into the *bonâ fide* character of the Subscription Contract, if any, and the sufficiency of the Subscribers thereto, and report their Opinion thereupon to The House.

Special Inquiry into Subscription Contract, &c.

Proceedings of Committees on Bills.

123.

Clause compelling payment of Subscriptions.

In all Bills presented to The House for carrying on any Work by means of a Company, Commissioners or Trustees, Provision shall be made for compelling Persons who have subscribed any Money towards carrying any such Work into execution, to make payment of the Sums severally subscribed by them.

124.

Provision to be made in Bills by which Tolls, &c. are to be levied.

In all Bills whereby any Parties are authorized to levy Fees, Tolls or other Rate or Charge, Clauses shall be inserted, providing for the following objects, except in so far as any of such objects shall have been provided for in some general Act applicable to the subject-matter of the Bill:—

Security to be taken from Treasurer, &c.

Security to be taken from the Treasurer, Collector, or Receiver, and every other officer entrusted with the collection or custody of monies under the Bill, for the faithful execution of his office.

Accounts to be kept.

Full and accurate Accounts to be kept of all monies received and expended under the provisions of the Bill, and that such Accounts be balanced once in each year at the least.

Accounts to be audited.

Such Accounts to be duly audited once in each year at the least, and that for such purpose an Auditor or Auditors be appointed by some person or persons not immediately connected with the Commissioners, Directors, Trustees, or other party, by whom, or by whose direction or authority, such Fees, Tolls, Rates or Charges shall be levied.

Accounts, Vouchers, &c., to be produced to Auditors.

For the purpose of auditing such Accounts, the Commissioners, Directors, Trustees or other such party as aforesaid to be required to cause the Accounts, together with all their Books and Vouchers, to be produced to the Auditors.

Remuneration to Auditors.

The remuneration of the Auditor, and his expenses, to be defrayed out of the funds levied under the Bill.

Abstract of Account to be annually transmitted to Clerk of Peace.

An annual Account, in abstract, to be prepared of the total Receipts and Expenditure of all funds levied under such Bill for the past year, under the several distinct heads of Receipts and Expenditure, with a Statement of the Balance of the said Account duly audited and certified by the Chairman of the Commissioners, Directors, Trustees or other parties aforesaid, and also by the Auditors thereof; and a copy of such annual Account to be transmitted, free of charge, to the Clerk of the Peace (or in Scotland to the Sheriff Clerk) for the County, or to the Clerk of the City or Borough within which the chief Office for the management of such funds shall be situated, on or before the *Thirty-first* day of *January* in each year, under a sufficient Penalty for not preparing and sending in the said Account, to be levied by summary process; the said Account to be open at all seasonable hours to the inspection of the Public upon payment of a Fee.

Proceedings of Committees on Bills.

125.

Where the level of any Road shall be altered in making any Public Work, the ascent of any Turnpike Road, or of any Road in Ireland so defined in the Railway Clauses Consolidation Act, 1845, shall not be more than One foot in 30 feet, and of any other public Carriage Road not more than One foot in 20 feet; and a good and sufficient Fence, of Four feet high at the least, shall be made on each side of every Bridge which shall be erected.

Level of Roads.

Fence to Bridge.

126.

Every Plan, and Book of Reference thereto, which shall be produced in evidence before the Committee upon any Private Bill (whether the same shall have been previously lodged in the Private Bill Office, or not,) shall be signed by the Chairman of such Committee, with his Name at length; and he shall also mark with the Initials of his Name every Alteration of such Plan and Book of Reference, which shall be agreed upon by the said Committee; and every such Plan and Book of Reference shall thereafter be deposited in the Private Bill Office.

Plan, &c., to be signed by Chairman.

127.

The Chairman of the Committee shall sign, with his Name at length, a printed Copy of the Bill (to be called the Committee Bill), on which the Amendments are to be fairly written; and also sign, with the Initials of his Name, the several Clauses added in the Committee.

Committee Bill and Clauses to be signed by Chairman.

128.

The Chairman of the Committee shall report to The House, that the Allegations of the Bill have been examined; and whether the Parties concerned have given their Consent (where such Consent is required by the Standing Orders) to the satisfaction of the Committee.

Chairman to report on allegations of Bill, &c.

129.

The Chairman of the Committee shall report the Bill to The House, whether the Committee shall or shall not have agreed to the Preamble, or gone through the several Clauses, or any of them; or where the Parties shall have acquainted the Committee that it is not their intention to proceed with the Bill; and when any alteration shall have been made in the Preamble of the Bill, such alteration, together with the ground of making it, shall be specially stated in the Report.

Chairman to report Bill in all cases.

130.

The Minutes of the Committee on every Private Bill shall be brought up and laid on the Table of The House, with the Report of the Bill.

Minutes of Committee.

Proceedings of Committees on Bills.

Railway Bills.

131.

Restrictions as to Mortgage.

In the case of a Railway Bill, no Company shall be authorized to raise, by Loan or Mortgage, a larger sum than *One-third* of their capital; and until *Fifty per cent.* on the whole of the capital shall have been paid up, it shall not be in the power of the Company to raise any Money by Loan or Mortgage.

132.

Limiting ascent of Roads where Level is altered.

Where the level of any road shall be altered in making any Railway, the ascent of any Turnpike Road, or of any Road in Ireland, so defined in the Railway Clauses Consolidation Act, 1845, shall not be more than One foot in 30 feet, and of any other public carriage-road not more than One foot in 20 feet, unless a report thereupon from some officer of the Board of Trade shall be laid before the Committee on the Bill, and unless the Committee, after considering such report, and examining such officer, if they shall disagree with the said report, shall recommend steeper ascents, with the reasons and facts upon which their opinion is founded: Also, a good and sufficient Fence, of Four feet high at the least, shall be made on each side of every Bridge which shall be erected.

Fence to Bridge.

133.

Railway not to cross Roads on a Level unless Committee report, &c.

No Railway whereon carriages are propelled by steam, or by atmospheric agency, or drawn by ropes in connexion with a stationary steam-engine, shall be made across any turnpike-road or other public carriage-way on the level, unless a Report thereupon from some Officer of the Board of Trade shall be laid before the Committee on the Bill, and unless the Committee, after considering such Report, and examining such Officer, if they shall disagree with the said Report, shall recommend such level crossing, with the reasons and facts upon which their opinion is founded; and in every Clause authorizing a level crossing, the number of lines of rails authorized to be made at such crossing shall be specified.

134.

Railway Company not to acquire Docks, &c. unless Committee report, &c.

No Railway Company shall be authorized to construct or enlarge, purchase or take on lease, or otherwise appropriate any Dock, Pier, Harbour or Ferry, or to acquire and use any Steam-vessels for the conveyance of goods and passengers, or to apply any portion of their capital or revenue to other objects, distinct from the Undertaking of a Railway Company, unless the Committee on the Bill report that such a restriction ought not to be enforced, with the reasons and facts upon which their opinion is founded.

135.

Matters to be specially reported.

In the case of a Railway Bill, the Committee shall report specially:—

Capital.

1. The proposed Capital of the Company formed for the execution of the project, and the amount of any Loans which they may be empowered to raise by the Bill.

2. The

12.

After the word "length" in line 1, the words "and termini" are inserted.

2. The amount of Shares subscribed for, and the Deposits paid thereon. Shares, &c.

3. The Names and Places of Residence of the Directors or Provisional Committee, with the amount of Shares taken by each. Names, &c., of Directors.

4. The number of Shareholders who may be considered as having a local interest in the line, and the amount of Capital subscribed for by them. Local Shareholders.

5. The number of other Parties, and the Capital taken by them. Other parties, &c.

6. The number of Shareholders subscribing for 2,000*l.* and upwards, with their Names and Residences, and the amount for which they have subscribed. Subscribers for 2,000*l.* and upwards.

7. Whether any Report from the Board of Trade in regard to the Bill, or the objects thereby proposed to be authorized, has been referred by the House to the Committee, and if so, whether any and what recommendations contained in such Report have been adopted by the Committee, and whether any and what recommendations contained in such Report have been rejected. Whether Report from Railway Commissioners has been referred to Committee, &c.

8. What planes on the Railway are proposed to be worked by assistant engines, either stationary or locomotive, with the respective lengths and inclinations of such planes. Assistant Engines.

9. Any peculiar engineering difficulties in the proposed line, and the manner in which it is intended they should be overcome. Engineering difficulties.

10. The length, breadth, and height, and means of ventilation of any proposed tunnels, and whether the strata through which they are to pass are favourable or otherwise. Ventilation of Tunnels.

11. Whether in the lines proposed, the gradients and curves are generally favourable or otherwise, and the steepest gradient, exclusive of the inclined planes above referred to, and the smallest radius of a curve. Gradients and Curves.

12. The length and termini of the main line of the proposed Railway, and of its branches respectively, and on what gauge it is proposed to be constructed. Length of Line, &c.

13. Whether it be intended that the Railway should pass on a level any Turnpike Road or Highway, and if so, to call the particular attention of The House to that circumstance. Passing Highways on a level.

14. The amount of the Estimates of the cost or other expenses to be incurred up to the time of the completion of the Railway, and whether they appear to be supported by evidence, and to be fully adequate for the purpose. Estimates.

15. The number of assents, dissents and neuters upon the line, and the length and amount of Property belonging to each class traversed by the said Railway, distinguishing Owners from Occupiers; and in the case of any Bill to vary the original Line, the above particulars with reference to such Parties only as may be affected by the proposed deviation. Assents, dissents and neuters.

16. The Name of each Engineer examined in support of the Bill, and of any examined in opposition to it. Engineers examined.

Petitions in opposition.

17. The main allegations of every Petition which may have been referred to the Committee in opposition to the Preamble of the Bill, or to any of its Clauses; and whether the allegations have been considered by the Committee, and if not considered, the cause of their not having been so.

Fitness in an engineering point of view, and any other circumstances.

And the Committee shall also report generally as to the fitness, in an engineering point of view, of the projected line of Railway, and any circumstances which, in the opinion of the Committee, it is desirable The House should be informed of.

136.

Instruction to Committees on Railway Bills.

It shall be an Instruction to the Committee on every Railway Bill providing for the construction of any new Railway, or for the extension of time for the completion of any Railway, in case they shall find the Preamble thereof to be proved, to insert in the Bill one or other of the provisions following, that is to say:—

Clause to be inserted suspending Payment of Dividend until Line be opened.

In every Railway Bill promoted by an existing Railway Company, being possessed of a Railway already opened for public traffic, whereby the construction of any new line of Railway is authorized, or the time for completing any line already authorized is extended, a Clause providing that after the expiration of a period to be limited by such Bill, not exceeding Five Years from the passing of the Act, in the case of a new line, and Three Years in case of the extension of time for completing any line, the payment of any dividend on the ordinary and unguaranteed capital of such Company shall be suspended until such line shall have been completed and opened for public traffic.

Clause respecting Bond to be entered into for completion of Line.

In every Railway Bill promoted by an existing Railway Company, not being possessed of a Railway already opened for public traffic, or by persons not already incorporated, whereby the construction of any new line of Railway is authorized, a Clause to the following effect, viz.:—

Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, c. 20, a sum of £.
being one-tenth part of the amount required to be subscribed in respect of the Railway authorized by this Act, has been deposited with the Court of Chancery in England [or with the Court of Exchequer in Scotland, or the Court of Chancery in Ireland, as the case may be], [or Exchequer Bills, Stocks or Funds to the amount of £. , have been deposited or transferred pursuant to the said Act, as the case may be], in respect of the application to Parliament for this Act; Be it enacted, That, notwithstanding anything contained in the said recited Act, the said sum of £. [or the said Exchequer Bills or other Funds, as the case may be] so deposited [or transferred] as aforesaid, in respect of the application for this Act, or the interest or dividends of such sum of money [Exchequer Bills, Stocks or Funds], shall not, except upon the execution and deposit of such bond as hereinafter mentioned, be paid or transferred to or on the application of the person or persons, or the majority of the persons named in the warrant or order issued in pursuance of the said

Proceedings of Committees on Bills.

said Act, or the survivors or survivor of them, unless the said Company shall, previously to the expiration of the period limited by this Act for completion of the Railway hereby authorized to be made, either open the said Railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up one-half of the amount of the capital by this Act authorized to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if the said period shall expire before the said Company shall either have opened the said Railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Lords of the said Committee, the said sum of money [Exchequer Bills, Stocks or Funds], deposited [or transferred] as aforesaid, and the interest and dividends thereof, shall immediately, from and after the expiration of the said period, be forfeited to Her Majesty, and be paid and transferred by the officer or person in whose name they shall then be deposited or invested, to the account of Her Majesty's Exchequer, and when so paid and transferred, shall be carried to and form part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided, That at any time after the passing of this Act, if a bond in twice the amount of the said sum of £. shall have been executed by the said Company, with one or more sureties (such bond to be prepared to the satisfaction of, and such surety or sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury), conditioned for payment to Her Majesty, Her heirs or successors, of the said sum of £. , if the said Company shall not, within the time limited for the completion of the said Railway, either open the said Railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the said Committee that the said Company have paid up one-half of the amount of the said capital by this Act authorized to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one-half of the said capital; and if such bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such sum of money [Exchequer Bills, Stocks or Funds], and the interest or dividends thereof, shall be paid [or transferred] to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them, and it shall not be necessary to produce any certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the moneys to be recovered upon such bond shall be dealt with in like manner as the said sum of money [Exchequer Bills, Stocks or Funds], and the interest or dividends thereof, would have been dealt with under this Act if such bond had not been executed and deposited as aforesaid. And the certificate of the said solicitor to the said Lords Commissioners that such bond has been executed and deposited as aforesaid, and the certificate of the Lords of the said Committee that such proof has been given to their satisfaction as aforesaid, shall respectively be sufficient evidence of the facts so certified.

Proceedings of Committees on Bills.

Where preceding Provisions are inapplicable.

In any Railway Bill to which the preceding provisions are not applicable, the Committee shall make such other provision as they shall deem necessary for ensuring the completion of the line of Railway.

137.

Committee to fix the Tolls and Charges.

The Committee on every Railway Bill shall fix the Tolls, and shall determine the maximum rates of Charge for the conveyance of Passengers, with a due amount of Luggage and of Goods on such Railway, and such rates of Charge shall include the Tolls and the costs of locomotive power, and every other expense connected with the conveyance of Passengers, with a due amount of Luggage and of Goods upon such Railway; but if the Committee shall not deem it expedient to determine such maximum rates of Charge, a Special Report, explanatory of the grounds of their omitting so to do, shall be made to The House, which Special Report shall accompany the Report of the Bill.

138.

In Bills granting preference in payment of interest, &c., provision to be made that the same shall not prejudice former grants of preference, unless Committee report otherwise.

In every Railway Bill by which it is proposed to authorize the Company to grant any preference or priority in the payment of Interest or Dividends on any Shares or Stock, there shall be inserted a Clause providing that the granting of such preference or priority shall not prejudice or affect any preference or priority in the payment of Interest or Dividends on any other Shares or Stock which shall have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, unless the Committee on the Bill shall report that such Provision ought not to be required, with the Reasons on which their opinion is founded.

139.

Company not to alter any preference previously granted.

No Railway Company shall be authorized to alter the terms of any preference or priority of Interest or Dividend which shall have been granted by such Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting, unless the Committee on the Bill report that such Alteration ought to be allowed, with the Reasons on which their opinion is founded, together with the number of Preference Shareholders who have assented to or dissented from such alteration.

140.

No powers of purchase in Bills for construction of a Railway.

No powers of Purchase, Sale, Lease or Amalgamation, shall be contained in any Bill for the construction of a Railway.

141.

No powers of purchase, &c. to be given, except after proof of certain matters before Board of Trade, &c.

No powers of purchase, sale, lease or amalgamation shall be given to any Railway Company, with reference to any other undertaking already authorized by any Act or Acts, nor to any other incorporated Company, with reference to any Railway, unless, previously to the application to Parliament for such purpose, the several Companies who may be parties to such purchase,

Proceedings of Committees on Bills

purchase, sale, lease or amalgamation shall have proved, to the satisfaction of the Board of Trade, that they have respectively paid up One-half of the capital authorized to be raised by any previous Act or Acts by means of Shares, and have expended for the purposes of such Act or Acts a sum equal thereto; and in case such powers shall be applied for in respect of Works intended to be authorized by any Bill or Bills of the same Session, it shall be proved to the satisfaction of the Board of Trade that such Companies have respectively paid up one-half the amount of their capital, and that the Company proposed to be empowered to construct such Works have included in such amount the capital proposed to be authorized by such Bill or Bills; and that no such powers shall be given in respect of Works intended to be authorized by any Act or Acts for which it is intended to apply in any subsequent Session.

142.

Railway Company not to guarantee interest or dividend before completion of Line.

No Railway Company shall be authorized, except for the execution of its original Line or Lines sanctioned by Act of Parliament, to guarantee interest on any shares which it may issue for creating additional Capital, or to guarantee any rent or dividend to any other Railway Company, until such first-mentioned Company shall have completed and opened for traffic such original Lines.

143.

Limitation of Capital on amalgamation of Companies.

In Bills for the Amalgamation of Railway Companies, the amount of Capital created by such Amalgamation shall in no case exceed the sum of the Capitals of the Companies so amalgamated.

144.

Additional Capital of purchasing Company not to amount to more than Capital of Company purchased.

In Bills for empowering any Railway Company to purchase any other Railway, no addition shall be authorized to be made to the Capital of the purchasing Company, beyond the amount of the Capital of the Railway purchased; and in case such Railway shall be purchased at a premium, no addition on account of such premium shall be made to the Capital of the purchasing Company.

145.

Clause that no Interest or Dividend be paid on Calls.

A Clause shall be inserted in every Railway Bill, prohibiting the payment of any Interest or Dividend in respect of Calls under such Bill (except the Interest by way of Discount on Subscriptions prepaid, agreeably to 8 Vict. c. 16, s. 24), out of any Capital which they have been authorized to raise either by means of Calls, or of any power of borrowing.

146.

Clause as to Deposits not to be paid out of Capital.

A Clause shall be inserted in every Railway Bill, prohibiting any Railway Company from paying, out of the Capital which they have been authorized to raise for the purposes of any existing Act, the Deposits required by the Standing Orders to be made for the purposes of any application to Parliament for a Bill for the construction of another Railway.

Proceedings of Committees on Bills.

147.

Clause as to Railway not to be exempt from any General Act.

The following Clause shall be inserted in all Railway Bills passing through this House:

And be it further Enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the provisions of any General Act relating to such Acts, or of any General Act relating to Railways now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges authorized by this Act [or by the said recited Acts].

Letters Patent.

148.

Copy of Letters Patent to be annexed to the Bill.

When any Bill shall be brought into The House for confirming of Letters Patent, there shall be a true Copy of such Letters Patent annexed to the Bill.

Inclosure and Drainage Bills.

149.

Notices and Allegations.

Gen. Inc. Act.

In the case of any Bill for inclosing Lands, the Committee may admit proof of the Notices required by the Standing Orders, and of the Allegations in the Preamble of such Bill, by Affidavit taken and authenticated, according to the form prescribed in the Schedule to the General Inclosure Act (41 Geo. III. c. 109,) unless such Committee shall otherwise order.

150.

Consent Bill and Statement of Property to be delivered in.

The Committee on every Bill for inclosing Lands shall in the first place require the Agent for the same to deliver in to the Committee a printed copy of the Bill, signed by the Lord of the Manor (in cases where the Lord of the Manor has any interest as such in the lands to be inclosed), and by such Owners of Property within the Parish to which the Bill relates as shall have assented thereto; but the Parties, if they shall think fit, shall be permitted to deliver in different copies of the Bill, separately signed by the several Parties hereinbefore mentioned, instead of one copy, signed by all of them collectively; together with a List of all the Owners of Property within such Parish, showing the value according to the Poor Rate or Land Tax Assessment of each Owner's Property therein, and distinguishing which of them have assented, dissented, or are neuter in respect thereto.

151.

Consent Bill and Statement of Property to be delivered in.

The Committee on every Bill for draining Lands shall in the first place require the Agent for the same to deliver in to the Committee a printed copy, of the Bill, signed by such Owners and Occupiers of Property within the Parish to which the Bill relates as shall have assented thereto; but the Parties, if

Proceedings of Committees on Bills.

if they shall think fit, shall be permitted to deliver in different copies of the Bill, separately signed by the several Parties hereinbefore mentioned, instead of one copy, signed by all of them collectively; together with a List of all the Owners of Property within such Parish, showing the value according to the Poor Rate or Land Tax Assessment of each Owner's Property therein, and distinguishing which of them have assented, dissented, or are neuter in respect thereto.

152.

Clause for leaving open Space for exercise and recreation.

In every Bill for inclosing Lands, provision shall be made for leaving an open space in the most appropriate situation, sufficient for purposes of exercise and recreation of the neighbouring population; and the Committee on the Bill shall have before them the number of acres proposed to be inclosed, as also of the population in the parishes or places in which the land to be inclosed is situate; and also shall see that provision is made for the efficient fencing of the allotment, for the investment of the same in the Churchwardens and Overseers of the parish in which such open space is reserved, and for the efficient making and permanent maintenance of the fences by such parish; and in any case where the information hereby required is not given, and the required provisions are not made in the Bill, the Committee on the same shall report specially to The House the reasons for not complying with such Order.

153.

Consent Bill to contain Names of Commissioners, and Compensations for Manorial Rights, Tithes and Enfranchisements.

In every Bill for inclosing Lands, the Names of the Commissioners proposed to be appointed, and the Compensation intended for the Lord of the Manor, and the Owners of Tithes, in lieu of their respective Rights, and also the Compensation intended to be made for the enfranchisement of Copyholds, where any Bargains or Agreements have been made for such Compensations, shall be inserted in the copy of the Bill presented to The House: And all copies of such Bills which shall be sent to any of the Persons interested in the said Manor, Tithes, Lands or Commons, for their Consent, shall contain the Names of such proposed Commissioners, and also the Compensations so bargained or agreed for.

154.

Disqualification of certain Persons as Commissioners, Surveyors, &c.

No Person shall be named in any Bill for inclosing Lands as a Commissioner, Umpire, Surveyor or Valuer, who shall be interested in the Inclosure to be made by virtue of such Bill; or the Agent ordinarily intrusted with the care, superintendence, or management of the Estate of any Person so interested.

155.

Clause for settling Pay of Commissioners, and passing their Accounts.

In every Bill for inclosing, draining or improving Lands there shall be inserted a Clause, providing what sum of Money in the whole, or by the day, shall be paid to each of the Commissioners to be appointed by such Bill, in satisfaction of the expense and trouble which he shall incur in the execution of the powers thereby given; and also a Clause, providing that the Account of such Commissioner or Commissioners, containing a true statement of all

Proceedings of Committees on Bills.

Sums by him or them received and expended or due to him or them for their own trouble or expenses, shall, at least once in every year, from the date of the passing of the Act till such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by some Person or Persons to be appointed by the Bill, and the Balance by him or them stated in the Book of Accounts required to be kept in the Office of the Clerk of such Commissioners; and that no charge or item in such Accounts shall be binding on the Parties concerned, or be valid in law, unless the same shall be duly allowed by such Person or Persons.

Turnpike Roads (Ireland).

156.

Clause for Qualification of Commissioners.

In every Bill for making a Turnpike Road in Ireland, or for the continuing or amending any Act passed for that purpose, or for the increase or alteration of the existing Tolls, Rates or Duties upon any such Road, or for widening or diverting any such Road, a Clause shall be inserted, to prevent any Person who shall be nominated a Commissioner from acting or voting in the business of the said Turnpike, unless he shall be possessed of an Estate in Land, or of a Personal Estate, to such certain value as shall be specified in such Bills; and such Qualification shall be extended to the Heirs apparent of Persons possessed of an Estate in Land to a certain value to be specified.

157.

Clause for defining limits of Burial Ground, Cemetery, or Gas Works.

That in every Bill for making a Burial Ground or Cemetery, or the erection of Works for the manufacture of Gas, there shall be a Clause defining the limits within which such Burial Ground, Cemetery or Gas Works shall be erected or made.

Proceedings of Select Committee on Divorce Bills.

PROCEEDINGS OF SELECT COMMITTEE ON DIVORCE BILLS.

158.

What Evidence to be given in Divorce Cases.

The Select Committee on Divorce Bills shall require evidence to be given before them that an action for damages has been brought in one of Her Majesty's Courts of Record at Westminster, or in one of Her Majesty's Courts of Record in Dublin, or in one of Her Majesty's Supreme Courts of Judicature of the Presidencies of Calcutta, Madras, Bombay or the Island of Ceylon, respectively, against the persons supposed to have been guilty of Adultery, and judgment for the plaintiff had thereupon; or sufficient cause to be shown to the satisfaction of the said Committee why such action was not brought, or such judgment was not obtained.

159.

When Petitioner for Bill to attend Committee.

The Select Committee on Divorce Bills shall, in all cases in which the Petitioner for the Bill has attended the House of Lords upon the Second Reading of the Bill, require him to attend before them to answer any questions they may think fit that he should answer.

160

Committee to report Bill in all cases.

The Select Committee on Divorce Bills shall report every such Bill to The House, whether such Committee shall or shall not have agreed to the Preamble, or gone through the several Clauses, or any of them.

V.

THE ORDERS REGULATING THE PRACTICE OF THE HOUSE WITH REGARD TO PRIVATE BILLS.

Practice of the House.

V.

THE ORDERS REGULATING THE PRACTICE OF THE HOUSE WITH REGARD TO PRIVATE BILLS.

161.

Petition for Bill, and how to be signed.

No Private Bill shall be brought into this House, but upon a Petition first presented, which shall have been duly deposited in the Private Bill Office, and indorsed by one of the Examiners, with a printed copy of the proposed Bill annexed: And such Petition shall be signed by the Parties, or some of them, who are Suitors for the Bill.

162.

Petitions, when to be presented.

All Petitions for Private Bills shall be presented to the House not later than Three clear Days after the same shall have been indorsed by the Examiner, or if, when the same is indorsed, the House shall not be sitting, then not later than Three clear Days after the First sitting thereof subsequent to such indorsement; and if the House shall not be sitting on the latest day on which any Petition ought to be presented, then the same shall be presented on the first day on which the House shall again sit.

162 A.

How Private Bills to be presented.

All Private Bills which have been ordered to be brought in shall be presented to the House by depositing the same in the Private Bill Office, and shall be laid, by one of the Clerks of that Office, on the Table of the House for First Reading, together with a list of such Bills.

163.

Bill, when to be presented.

No Private Bill shall be read a First Time unless it be presented not later than Three clear Days after the presentation of the Petition for leave to bring in the same; or where the Petition has been referred to the Select Committee on Standing Orders, then not later than Three clear Days after the House shall have given leave to the Parties to proceed with the Bill.

164.

Petition for additional Provision.

No Petition for additional Provision in any Private Bill will be received by this House, unless a printed Copy of the proposed Clauses be annexed thereto.

165.

Petitions for additional Provision and Estate Bills from Lords, &c. to be referred to Examiner of Petitions.

All Petitions for additional Provision in Private Bills, with the proposed Clauses annexed, and all Estate Bills brought from the House of Lords, and all Bills introduced by leave of The House in lieu of other Bills which shall have been withdrawn, after having been read a First Time, shall be referred to the Examiner of Petitions for Private Bills.

166.

Reports of Examiner to be referred to Committee on Standing Orders.

All Reports of the Examiner of Petitions for Private Bills, in which he shall report that the Standing Orders have not been complied with, and all Special Reports of the said Examiner, shall be referred to the Select Committee on Standing Orders.

167.

Petitions for Dispensation, &c. to be referred to Committee on Standing Orders.

All Petitions praying that any of the Sessional or Standing Orders of The House relating to Private Bills may be dispensed with, and all Petitions for the re-insertion of Petitions for Private Bills in the General List of Petitions, and all Petitions opposing the same, shall be presented to this House by depositing the same in the Private Bill Office; and every such Petition, so deposited, shall stand referred to the Select Committee on Standing Orders.

168.

Printed Bill to be presented.

Every Private Bill, printed on paper, of a size to be determined upon by Mr. Speaker, shall be presented to The House, with a Cover of Parchment attached to it, upon which the Title of the Bill is to be written; and the short Title of the Bill, as first entered on the Votes, shall correspond with that at the head of the Advertisement.

169.

Rates, Tolls and other Matters to be inserted in *Italics*.

The proposed amount of all Rates, Tolls, and other matters heretofore left blank in any Private Bill, when presented to The House, shall be inserted in *Italics* in the printed Bill annexed to the Petition.

170.

What Bills to be printed, and when.

Every Private Bill (except Name Bills) shall be printed; and printed copies thereof delivered to the door-keepers for the use of the Members before the First Reading.

171.

Time between First and Second Reading.

There shall be not less than *Three* clear *days*, nor more than *Ten*, between the First and Second Reading of any Private Bill, except by Special Order of The House.

172.

Petition relating to Bills to be presented to House by being deposited in the Private Bill Office, and Name of Bill to be indorsed on every Petition.

Every Petition in favour of or against any Private Bill before The House, or otherwise relating thereto (not being a Petition for additional Provision), shall be presented to this House, by depositing the same in the Private Bill Office, and there shall be indorsed thereon the name or short Title by which such Bill is entered in the Votes, and a Statement that such Petition is in favour of or against the Bill, or otherwise, as the case may be, together with the name of the Member, Party or Agent depositing the same.

175.

The word "be" is omitted in line 2, and the word "stand" inserted.

Practice of the House

173.

Any Petitioner or Memorialist may withdraw his Petition or Memorial, on a requisition to that effect being deposited in the Private Bill Office, signed by him or by the Agent who deposited such Petition or Memorial; and where any such Petition or Memorial is signed by more than one person, any person signing such Petition or Memorial may withdraw his opposition by a similar requisition, signed and deposited as aforesaid.

Petitioner or Memorialist may withdraw Petition or Memorial.

174.

In cases where the Second or Third Reading of a Private Bill, or the consideration of a Bill as amended by the Committee, or any proposed Clause or Amendment, is opposed, the same shall be postponed until the day on which the House shall next sit.

When Second or Third Reading opposed to be postponed.

175.

Every Private Bill, after having been read a Second time and committed, shall stand referred, if not a Railway, Canal or Divorce Bill, to the Committee of Selection; if a Railway or Canal Bill, to the General Committee on Railway and Canal Bills; and if a Divorce Bill, to the Select Committee on Divorce Bills.

Bills to stand referred to Committee of Selection and other Committees.

176.

When The House shall have been informed by the Chairman of Ways and Means, that in his opinion any unopposed Private Bill should be treated as an opposed Bill, such Bill shall be again referred to the Committee of Selection; or in the case of a Railway or Canal Bill, to the General Committee on Railway and Canal Bills.

When unopposed Bill is to be treated as opposed, to be again referred to Committee of Selection or General Committee.

177.

Every Petition against a Private Bill which shall have been deposited in the Private Bill Office either previous to, or not later than Seven clear days after, the Second Reading of such Bill, or which shall have been otherwise deposited under the provisions of Standing Order 110, shall stand referred to the Committee on such Bill; and, subject to the Rules and Orders of this House, such Petitioners as shall have prayed to be heard, by themselves, their Counsel or Agents, shall be heard upon their Petition accordingly, if they think fit, and Counsel heard, in favour of the Bill, against such Petition.

Petition against Bill, if duly deposited in Private Bill Office, to stand referred to Committee on Bill, &c.

178.

There shall be *Fourteen* clear *Days* between the Second Reading of every Private Bill and the sitting of the Committee thereupon, except in the case of Divorce Bills, in respect of which there shall be Eight clear days, and of Name Bills and Estate Bills, (not being Bills relating to Crown, Church or Corporation property, or property held in trust for Public or Charitable purposes), in respect of which there shall be Three clear days between the Second Reading and the Committee.

Time between Second Reading and Committee.

Practice of the House.

179.

Report of Railway Department to stand referred to Committee on Bill.

In the case of Railway Bills, if any Report made under the authority of the Board of Trade upon any Bill, or the objects thereof, be laid before the House, such Report shall stand referred to the Committee on the Bill.

180.

Report of Bills.

The Report upon every Private Bill shall lie upon the Table; and the Bill, if amended in Committee, or a Railway Bill, when reported, shall be ordered to lie upon the Table; and every other Bill, when reported, shall be ordered to be read a Third time.

181.

Bill to be printed after Report.

Every Private Bill, as amended in Committee, shall be printed at the expense of the Parties applying for the same, and delivered to the Door-keepers for the use of the Members, *Three* clear *days* at least before the consideration of such Bill.

182.

Time between Report and Consideration of Bill, &c.

In the case of Private Bills ordered to lie upon the Table, Three clear days shall intervene between the Report and the consideration of the Bill, and no consideration of any such Bill shall take place, unless the Chairman of the Committee of Ways and Means shall have informed The House, or signified in writing to Mr. Speaker, whether the Bill contain the several provisions required by the Standing Orders.

183.

No Clause or Amendment on consideration of Bill, or on Third Reading, to be offered, unless Chairman of Ways and Means shall have informed The House, &c.

No Clause or Amendment shall be offered in The House on the consideration of any Private Bill ordered to lie upon the Table, nor any verbal Amendment on the Third Reading of any Private Bill, unless the Chairman of the Committee of Ways and Means shall have informed The House, or signified in writing to Mr. Speaker, whether, in his opinion, such Clause or Amendment be such as ought or ought not to be entertained by The House, without referring the same to the Select Committee on Standing Orders.

184.

Clauses and Amendments offered on consideration of Bill or verbal Amendments on Third Reading, to be printed.

When any Clause or Amendment is offered on the consideration of any Private Bill ordered to lie upon the Table, or any verbal Amendment on the Third Reading of any Private Bill, such Clause or Amendment shall be printed at the expense of the parties: And when any Clause is proposed to be amended, it shall be printed *in extenso*, with every addition or substitution in different type, and the omissions therefrom included in brackets and underlined.

185.

When referred, no further proceeding to be had until Report of Select Committee on Standing Orders.

When any Clause or Amendment on the consideration of any Private Bill ordered to lie upon the Table, or any verbal Amendment on the Third Reading of any Private Bill, shall have been referred to the Select Committee on Standing Orders, no further proceeding shall be had until the Report of the said Select Committee shall have been brought up.

179.

The word "be" is omitted, and the word "stand" inserted.

183.

After the word "table" in line 2, the words "nor any verbal Amendment on the Third Reading of any Private Bill" are inserted.

184.

The like Amendment.

185.

The like Amendment.

185 A.

This is a new Order.

Practice of the House.

185 A.

No Amendments, not being merely verbal, shall be made to any Private Bill on the Third Reading.

186.

Lords' Amendments to be printed and circulated with the Votes prior to consideration, &c.

All Amendments made by the House of Lords to any Private Bill shall be printed at the expense of the parties, and circulated with the Votes, prior to such Amendments being taken into consideration; and where any Clause has been amended, it shall be printed *in extenso*, with every addition or substitution in different type, and the omissions therefrom included in brackets and underlined; and when any Amendments are intended to be proposed to the Lords' Amendments, such proposed Amendments shall also be printed in like manner.

186 A.

Bill to be printed fair after Third Reading.

Every Private Bill, after it has been read a Third time, shall be printed fair, at the expense of the Parties applying for the same.

187.

Notice of Committee to inspect Lords' Journals to be given to Committee Clerks.

In all cases where it is intended to appoint a Committee to inspect the Journals of the House of Lords with relation to any proceedings upon any Private Bill, previous notice thereof in writing shall be given by the Agent to the Clerks in the Committee Office.

188.

Bill not to proceed two stages on same day.

No Private Bill shall pass through two stages on one and the same day without the special leave of The House.

189.

Notice to be given of Motion for dispensation.

Except in cases of urgent and pressing necessity, no Motion shall be made to dispense with any Sessional or Standing Order of The House without due notice thereof.

190.

Order of Proceedings in House on Private Business.

Each day, so soon as The House shall be ready to proceed to Private Business, the Clerk at the Table shall read from the Private Business List, and from the List of Bills presented for First Reading (*see* Order 162 A.) the Titles of the several Bills set down therein, according to their precedence, as arranged under the following heads:—

1. Consideration of Lords' Amendments;
2. Third Reading;
3. Consideration of Bills ordered to lie upon the Table;
4. Second Reading;
5. First Reading;

and if upon the reading of each such Title, as aforesaid, no Motion shall be made with respect to such Private Bill, the further proceedings thereon shall be adjourned until the next sitting of The House.

VI.

THE ORDERS REGULATING THE PRACTICE IN THE PRIVATE BILL OFFICE.

192.

The words "Plans, Sections, Books of Reference, Lists of Owners and Occupiers, Estimates, Copies of the Subscription Contracts, and Declarations" are omitted, and the word "Documents" inserted in line 1.

In line 2, the word "lodged" is omitted, and the word "deposited" inserted.

Practice in the Private Bill Office.

VI.

THE ORDERS REGULATING THE PRACTICE IN THE PRIVATE BILL OFFICE.

191.

Private Bill Office and Register.

A Book, to be called "THE PRIVATE BILL REGISTER," shall be kept in a Room, to be called "THE PRIVATE BILL OFFICE," in which Book shall be entered by the Clerks appointed for the business of that Office, the Name, Description and Place of Residence of the Parliamentary Agent in Town, and of the Agent in the Country (if any) soliciting the Bill; and all the Proceedings, from the Petition to the passing of the Bill:—Such Entry to specify, briefly, each day's Proceeding before the Examiners of Petitions respectively, or in The House, or in any Committee to which the Bill may be referred; the day and hour on which the Examiner or the Committee is appointed to sit; the day and hour to which the Proceedings before such Examiners or Committee may be adjourned, and the name of the Clerk attending the same. Such Book to be open to public inspection daily, in the said Office, between the hours of Ten and Six.

192.

Receipt of Documents to be acknowledged.

The receipt of all Documents required, by the Standing Orders of The House, to be deposited in the Private Bill Office, shall be acknowledged by one of the Clerks of the said Office, upon the said Documents, and upon the Petition for the Bill, when deposited.

193.

List of Petitions to be kept.

A List of all Petitions for Private Bills shall be kept in the Private Bill Office in the order of their deposit, according to such regulations as shall have been made by Mr. Speaker, which shall be called the "General List of Petitions," and each Petition therein shall be numbered.

194.

Memorials when to be deposited.

All Memorials complaining of non-compliance with the Standing Orders, in reference to Petitions for Bills deposited in the Private Bill Office on or before the 31st December, shall be deposited as follows:

Practice in the Private Bill Office.

If the same relate to Petitions for Bills numbered in the General List of Petitions;

From

1 to 100 101 to 200 201 and upwards	They shall be deposited on or before - - -	January 17th. „ 24th. „ 31st.

And in the case of any Petitions for Bills which may be deposited by leave of The House after the 31st December, such Memorials shall be deposited Three clear Days before the day first appointed for the examination of the Petition.

195.

Deposit of Memorials and Copies thereof in Private Bill Office.

All Memorials shall be deposited in the Private Bill Office before Six of the clock in the evening of any day on which The House shall sit, and before Two of the clock on any day on which The House shall not sit; and Two copies of every such Memorial shall be deposited for the use of the Examiners before Twelve of the clock on the following day.

196.

Time for depositing Memorials in certain cases, &c.

Every Memorial complaining of non-compliance with the Standing Orders of The House in reference to Petitions for additional provision in Private Bills, to Estate Bills brought from the House of Lords, and to Bills introduced by leave of this House in lieu of other Bills which shall have been withdrawn, and referred to the Examiners of Petitions for Private Bills, shall be deposited in the Private Bill Office, together with Two Copies thereof, before Twelve o'clock on the day preceding that appointed for the examination of any such Petition or Bill by the Examiner; and the Examiner shall be at liberty to entertain such Memorial, although the party (if any) who may be specially affected by the non-compliance with the Standing Orders shall not have signed the same.

197.

Notice to be given of Examination of Petitions, &c.

One of the Examiners shall give at least *Seven* clear days' notice in the Private Bill Office of the day appointed for the examination of each Petition for a Bill, and at least Two clear days' notice in all cases of Petitions for additional Provision in Private Bills, of Estate Bills brought from the House of Lords, and of Bills introduced by leave of this House in lieu of other Bills which shall have been withdrawn, and referred to the Examiners.

198.

Examination Book.

After each Private Bill has been read the First time, its Name (or short Title) shall be copied by the Clerks of the Private Bill Office, from the Clerk's Minute Book of the day, into a separate Book, to be called "THE EXAMINATION BOOK;"—wherein shall be noted the number of such Bill, according to the priority of its being read, and the date of the day of such First Reading.

199. Every

197.

This Order has been amended, by adding the following words " and at least Two clear days' notice in all cases of Petitions for additional Provision in Private Bills, of Estate Bills brought from the House of Lords, and of Bills introduced by leave of this House in lieu of other Bills which shall have been withdrawn, and referred to the Examiners " at the end thereof.

200.

The words "every such" in line 2 are omitted, "the" inserted.

Practice in the Private Bill Office.

199.

Custody of Bills.

Every Private Bill, after it has been read the First time and the Title copied and examined for the Votes, shall be in the custody of the Clerks of the Private Bill Office, until laid upon the Table for the Second Reading; and when committed, shall be taken by the proper Committee Clerk into his charge, till reported.

200.

Examination of Bills.

Between the First and Second Reading of every Private Bill, the Bill shall, according to its priority, be examined, with all practicable despatch, by the Clerks of the Private Bill Office, as to its conformity with the Rules and Standing Orders of The House; and if *not* in due form, the Examining Clerk shall specify thereon the page in which any irregularity occurs, and shall enter the day of such Examination, together with his own Name, in the Examination Book.

201.

Notice of Second Reading.

Three clear *days'* Notice in writing shall be given by the Agent for the Bill, to the Clerks in the Private Bill Office, of the day proposed for the Second Reading of every Private Bill; and no such Notice shall be given until the day after that on which the Bill has been read a first time.

202.

Notice of Committees.

Except in the case of Name Bills, and Estate Bills as described in Order 178, and except in the case of Bills referred back to the Committee of Selection as unopposed, *Seven* clear days' notice shall be given by the Clerk to the Committee of Selection, to the Clerks in the Private Bill Office, of the day and hour appointed for the meeting of the Committee on every Private Bill that shall have been referred either to the said Committee or the General Committee on Railway and Canal Bills:—and in the case of such Name Bills and Estate Bills, there shall be One clear day's notice given of Committee by the Clerk to the Committee of Selection:—and in the case of Bills not referred to the Committee of Selection, or the General Committee on Railway and Canal Bills, *Seven* clear days' notice, and, in the case of a re-committed Bill, *Three* clear days' notice, shall be given by the Agents for the Bill to the Clerks in the Private Bill Office of the day and hour appointed for the meeting of the Committee, and all the proceedings of any Committee of which such notice shall not have been given, shall be void.

203.

Filled-up Bill to be deposited in Private Bill Office.

A filled-up Bill, signed by the Agent for the Bill, as proposed to be submitted to the Committee on the Bill, and in the case of a re-committed Bill, a filled-up Bill, as proposed to be submitted to the Committee on re-committal, shall be deposited in the Private Bill Office one clear day before the meeting of the Committee on every Private Bill; and all Parties shall be entitled to a Copy thereof, upon payment of the Charges for making out Amendments of such Bill.

Practice in the Private Bill Office.

204.

Notice of Postponement.

Notice in writing shall be given by the Clerk to the Committee of Selection, to the Clerks in the Private Bill Office, of the postponement of the first meeting of any Committee on a Private Bill which shall have been referred either to the said Committee, or the General Committee on Railway and Canal Bills, on the day on which such postponement is made; and in the case of Bills not referred to the Committee of Selection, or the General Committee on Railway and Canal Bills, *One* clear day's notice shall be given by the Agents for the Bill, and, in the case of Divorce Bills, either by the Agents or by the Clerk to the Select Committee on Divorce Bills, to the Clerks in the Private Bill Office of such postponement.

205.

Notice of Adjournment.

Notice, in writing, shall be given by the Committee Clerk to the Clerks in the Private Bill Office, of the day and hour to which each Committee is adjourned.

206.

Notice of consideration of Bill.

One clear *day's* Notice, in writing, shall be given by the Agent for the Bill, to the Clerks in the Private Bill Office, of the day proposed for the consideration of every Private Bill ordered to lie upon the Table.

207.

Bill as amended in Committee to be delivered in.

The Committee Clerk, after the Report is made out, shall deliver in to the Private Bill Office a printed Copy of the Bill, with the written Amendments made in the Committee; in which Bill, all the Clauses added by the Committee shall be regularly marked in those parts of the Bill wherein they are to be inserted.

207 A.

Bill printed as amended, to be examined.

Every Private Bill printed as amended in Committee (*see* Order 181), shall be examined by the Clerks in the Private Bill Office, with the Bill delivered in by the Committee Clerk, and the Examining Clerks shall indorse thereon a certificate of such examination.

208.

Notice to be given of Clauses, &c. on consideration of Bill, or verbal Amendments on Third Reading.

When it is intended to bring up any Clause or to propose any Amendment on the consideration of any Private Bill ordered to lie upon the Table, or any verbal Amendment on the Third Reading of any Private Bill, Notice shall be given thereof, in the Private Bill Office, One clear day previous to such consideration or Third Reading.

209.

Notice of Third Reading.

One clear *day's* Notice, in writing, shall be given by the Agent for the Bill, to the Clerks in the Private Bill Office, of the day proposed for the *Third Reading* of every Private Bill; and no such Notice shall be given until the day after that on which the Bill shall have been ordered to be read a Third time.

210. The

208.

After " or " in line 3, the words " any verbal Amendment " inserted.

Practice in the Private Bill Office.

210.

The Amendments (if any) which are made on the consideration of any Private Bill ordered to lie upon the Table, and on the Third Reading of any Private Bill, and also such Amendments made by the House of Lords as shall have been agreed to by this House, shall be entered by one of the Clerks in the Private Bill Office upon the printed Copy of the Bill as amended in Committee; which Clerk shall sign the said Copy so amended, in order to its being deposited and preserved in the said Office.

Amendments on consideration of Bill and Third Reading.

211.

Every Private Bill, after it has been printed fair (*see* 186 A.), shall, before the same is sent to the Lords, be examined by the Clerks in the Private Bill Office with the Bill, as read a third time; and the Examining Clerks shall indorse thereon a certificate of such examination.

Private Bills sent to The Lords to be indorsed with Certificate of Examination.

212.

When Amendments made by the House of Lords to any Private Bill are to be taken into consideration, One clear day's Notice shall be given thereof in the Private Bill Office, and if any Amendments be intended to be proposed thereto, a copy of such Amendments shall also be deposited, and Notice given thereof, One clear day previous to the same being proposed to be taken into consideration; and no such Notice shall be given until the day after that on which such Bill shall have been returned from the House of Lords.

Notice of consideration of Lords' Amendments.

213.

All *Notices* required to be given or deposits to be made in the Private Bill Office shall be delivered in the said Office before *Six* of the clock in the *Evening* of any day on which The House shall sit, and before *Two* of the clock on any day on which The House shall not sit; and after any day on which The House shall have adjourned beyond the following day, no Notice shall be given for the first day on which it shall again sit.

Time for delivering Notices.

214.

The Clerks in the Private Bill Office shall prepare, daily, Lists of all Private Bills, and Petitions for Private Bills upon which any Committee or Examiner is appointed to sit; specifying the Hour of meeting, and the Room where the Committee or Examiner shall sit; and the same shall be hung up in the Lobby of The House.

Daily Lists of Committees sitting.

Practice in the Private Bill Office.

Plans to be verified as Mr. Speaker shall direct.

215.

Every Plan, and Book of Reference thereto, which shall be certified by The Speaker of the House of Commons, in pursuance of any Act of Parliament, shall previously be ascertained, and verified in such manner as shall be deemed most advisable by The Speaker, to be exactly conformable in all respects to the Plan and Book of Reference which shall have been signed by the Chairman of the Committee upon the Bill.

Appendix (A.)

[Form referred to in Page 15.]

No.——————

Sir,

We beg to inform you, that Application is intended to be made to Parliament in the ensuing Session for "An Act" [*here insert the Title of the Act*], and that the Property mentioned in the annexed Schedule, or some Part thereof, in which we understand you are interested as therein stated, will be required for the Purposes of the said Undertaking, according to the Line thereof as at present laid out, or may be required to be taken under the usual Powers of Deviation to the Extent of Yards on either side of the said Line which will be applied for in the said Act, and will be passed through in the Manner mentioned in such Schedule.

We also beg to inform you, that a Plan and Section of the said Undertaking, with a Book of Reference thereto, have been or will be deposited with the [*several Clerks of the Peace, or principal Sheriff Clerks, as the case may be*] of the Counties of [*specify the Counties in which the Property is situate*], on or before the 30th of November, and that Copies of so much of the said Plan and Section as relates to the [*Parish or extra-parochial place, as the case may be*], in which your Property is situate, with a Book of Reference thereto, have been or will be deposited for public Inspection with the [*Clerk of the said Parish, Clerk of the Parish of adjoining to such extra-parochial place, Schoolmaster of the Parish, Session Clerk, Town Clerk of the Royal Burgh, or the Clerk of the Union in which such Parish is included, as the case may be*], on or before the 30th day of November, on which Plans your Property is designated by the Numbers set forth in the annexed Schedule.

As we are required to report to Parliament whether you assent to or dissent from the proposed Undertaking, or whether you are neuter in respect thereto, you will oblige us by writing your Answer of Assent, Dissent or Neutrality in the Form left herewith, and returning the same to us with your Signature on or before the day of next; and if there should be any Error or Misdescription in the annexed Schedule, we shall feel obliged by your informing us thereof, at your earliest convenience, that we may correct the same without delay.

We are, Sir,
Your most obedient servants,

To

Note.—If the Application be forwarded by Post, the words "Parliamentary Notice" are to be printed or written on the cover.

SCHEDULE referred to in the foregoing Notice, describing the Property therein alluded to, and the Manner in which the Line of the proposed Work, as delineated upon the Plan and Section, will affect the same.

—	Parish, Township, Townland or Extra-parochial Place.	Number on Plans.	Description.	Owner.	Lessee.	Occupier.	Description of the Section of the Line deposited, showing the greatest Height of Embankment, and Depth of Cutting where the Property is intersected by the centre line of the proposed Work.
Property in the Line of the proposed Work, as at present laid out (including Property any part of which is within Eleven yards, or thereabouts, of the centre line of such proposed Work, as delineated upon the Plan).							

—	Parish, Township, Townland, or Extra-parochial Place.	Number on Plans.	Description.	Owner.	Lessee.	Occupier.	
Property within the Limits of the Deviation intended to be applied for.							

Note.—Where the Property is not intersected by the centre Line, the description of the Section is not given in the last column.

Appendix (B.)

ANNO PRIMO VICTORIÆ REGINÆ.

Cap. LXXXIII.

AN ACT to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.

WHEREAS the Houses of Parliament are in the habit of requiring that, previous to the introduction of any Bill into Parliament for making certain bridges, turnpike-roads, cuts, canals, reservoirs, aqueducts, waterworks, navigations, tunnels, archways, railways, piers, ports, harbours, ferries, docks and other works, to be made under the authority of Parliament, certain maps or plans and sections, and books and writings, or extracts or copies of or from certain maps, plans or sections, books and writings, shall be deposited in the office of the clerk of the peace for every county, riding or division in England or Ireland, or in the office of the sheriff clerk of every county in Scotland, in which such work is proposed to be made, and also with the parish clerk in every parish in England, the schoolmaster of every parish of Scotland, or in Royal Burghs with the town clerk, and the postmaster of the post town in or nearest to every parish in Ireland, in which such work is intended to be made, and with other persons: And whereas it is expedient that such maps, plans, sections, books, writings and copies or extracts of and from the same, should be received by the said clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, postmasters and other persons, and should remain in their custody for the purposes hereinafter mentioned; BE it therefore Enacted by The Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That whenever either of the Houses of Parliament shall by its Standing Orders, already made or hereafter to be made, require that any such maps, plans, sections, books or writings, or extracts or copies of the same, or any of them, shall be deposited as aforesaid, such maps, plans, sections, books, writings, copies and extracts shall be received by and shall remain with the clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, postmasters and other persons with whom the same shall be directed by such Standing Orders to be deposited, and they are hereby respectively directed to receive and to retain the custody of all such documents and writings so directed to be deposited with them respectively, in the manner and for the purposes and under the rules and regulations concerning the same respectively directed by such Standing Orders, and shall make such memorials and endorsements on and give such acknowledgments and receipts in respect of the same respectively as shall be thereby directed.

Clerks of the Peace, &c. to receive the Documents herein mentioned, and retain them for the purposes directed by the Standing Orders of the Houses of Parliament.

II. And be it further Enacted, That all persons interested shall have liberty to, and the said clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks and postmasters, and every of them, are and is hereby required, at all reasonable hours of the day, to permit all persons interested to inspect during a reasonable time and make extracts from or copies of the said maps, plans, sections, books, writings, extracts and copies of or from the same, so deposited with them respectively, on payment by each person to the clerk of the peace, sheriff clerk, clerk of the parish, schoolmaster, town clerk or postmaster having the custody of any such map, plan, section, book, writing, extract or copy, One Shilling for every such inspection, and the further sum of One Shilling for every hour during which such inspection shall continue after the first hour, and after the rate of Sixpence for every One hundred words copied therefrom.

Clerks of the Peace, &c. to permit such Documents to be inspected or copied by persons interested.

III. And be it further Enacted, That in case any clerk of the peace, sheriff clerk, parish clerk, schoolmaster, town clerk, postmaster or other person, shall in any matter or thing refuse or neglect to comply with any of the provisions hereinbefore contained, every clerk of the peace, sheriff clerk, parish clerk, schoolmaster, town clerk, postmaster or other person shall for every such offence forfeit and pay any sum not exceeding the sum of Five Pounds; and every such penalty shall, upon proof of the offence before any Justice of the Peace for the county within which such offence shall be committed, or by the confession of the party offending, or by the oath of any credible witness, be levied and recovered, together with the costs of the proceedings for the recovery thereof, by distress and sale of the goods and effects of the party offending, by warrant under the hand of such Justice, which warrant such Justice is hereby empowered to grant, and shall be paid to the person or persons making such complaint; and it shall be lawful for any such Justice of the Peace to whom any complaint shall be made of any offence committed against this Act to summon the party complained of before him, and on such summons to hear and determine the matter of such complaint in a summary way, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed to recover the same, although no information in writing or in print shall have been exhibited or taken by or before such Justice; and all such proceedings by summons without information shall be as good, valid and effectual to all intents and purposes as if an information in writing had been exhibited.

Clerks of the Peace, &c. for every omission to comply with the provisions of this Act, liable to the Penalty of 5 *l.*, to be recovered in a summary way.

Appendix (C.)

ANNO NONO VICTORIÆ REGINÆ.

Cap. XX.

AN ACT to amend an Act of the Second Year of Her present Majesty, for providing for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under the Authority of Parliament.

1 & 2 Vict., c. 117.

WHEREAS an Act was passed in the second year of the reign of Her present Majesty Queen Victoria, intituled, "An Act to provide for the Custody of certain Monies paid in pursuance of the Standing Orders of either House of Parliament, by Subscribers to Works or Undertakings to be effected under the Authority of Parliament:" And whereas it is expedient that the said Act should be repealed and should be re-enacted, with such modifications, extensions and alterations as after mentioned: BE it therefore Enacted, by The Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said Act shall be and is hereby repealed: Provided always, That all acts done under the provisions of the said Act shall be good, valid and effectual to all intents and purposes, and that all sums of money paid under the provisions of the said Act shall be dealt with in all respects as if this Act had not been passed.

Recited Act repealed. Monies already paid in to be dealt with as directed by former Act.

Authority to deposit.

II. And be it Enacted, That in all cases in which any sum of money is required by any Standing Order of either House of Parliament, either now in force or hereafter to be in force, to be deposited by the subscribers to any work or undertaking which is to be executed under the authority of an Act of Parliament, if the director or person or directors or persons having the management of the affairs of such work or undertaking, not exceeding Five in number, shall apply to one of the Clerks in the office of the Clerk of the Parliaments with respect to any such money required by any Standing Order of the Lords Spiritual and Temporal in Parliament assembled, or to one of the Clerks of the Private Bill Office of the House of Commons with respect to any such money required by any Standing Order of the Commons in Parliament assembled, to be deposited, it shall be lawful for the Clerk so applied to, by warrant or order under his hand, to direct that such sum of money shall be paid in manner hereinafter mentioned; (that is to say) into the Bank of England in the name and with the privity of the Accountant-general of the Court of Chancery in England, if the work or undertaking in respect of which the sum of money is required to be deposited is intended to be executed in that part of the United Kingdom called England; or into any of the Banks in Scotland established by Act of Parliament or Royal Charter in the name and with the privity of The Queen's Remembrancer of the Court of Exchequer in Scotland, at the option of the person or persons making such application as aforesaid, in case such work or undertaking is intended to be executed in that part of the United Kingdom called Scotland; or into the Bank of Ireland in the name and with the privity of the Accountant-general of the Court of Chancery in Ireland, in case such work or undertaking is intended to be made or executed in that part of the United Kingdom called Ireland; and such warrant or order shall be a sufficient authority for the Accountant-general of the Court of Chancery in England, the Queen's Remembrancer of the Court of Exchequer in Scotland, and the Accountant-general of the Court of Chancery in Ireland, respectively, to permit the sum of money directed to be paid by such warrant or order to be placed to an account opened or to be opened in his name in the bank mentioned in such warrant or order.

Payment of Deposit.

III. And be it Enacted, That it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to pay the sum mentioned in such warrant or order into the bank mentioned in such warrant or order in the name and with the privity of the officer or person in whose name such sum shall be directed to be paid by such warrant or order, to be placed to his account there ex-parte the work or undertaking mentioned in such warrant or order, pursuant to the method prescribed by any Act or Acts for the time being in force for regulating monies paid into the said Courts, and pursuant to the General Orders of the said Court respectively, and without fee or reward; and every such sum so paid in, or the securities in or upon which the same may be invested as hereinafter mentioned, or the stocks, funds or securities authorized to be transferred or deposited in lieu thereof as hereinafter mentioned, shall there remain until the same, with all interest and dividends (if any) accrued thereon, shall be paid out of such bank, in pursuance of the provisions of this Act: Provided always, That in case any such director or person, directors or persons, having the management of any such proposed work or undertaking as aforesaid, shall have previously invested in the Three per Centum Consolidated or the Three per Centum Reduced Bank Annuities, Exchequer Bills, or other Government Securities, the sum or sums of money required by any such Standing Order of either House of Parliament as aforesaid to be deposited by the subscribers to any work or

or undertaking which is to be executed under the authority of an Act of Parliament, it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, to deposit such Exchequer Bills or other Government securities in the bank mentioned in such warrant or order in the name and with the privity of the officer or person in whose name such sum shall by such warrant or order be directed to be paid, or to transfer such Government stocks or funds into the name of the officer or person; and such transfer or deposit shall be directed by such Clerk of the Office of the Clerk of the Parliaments, or such Clerk of the Private Bill Office of the House of Commons, as the case may be, in lieu of payment of so much of the sum of money required to be deposited as aforesaid as the same Exchequer Bills, or other the Government stocks or funds, will extend to satisfy at the price at which the same were originally purchased by the said person or persons, director or directors, as aforesaid, such price to be proved by production of the broker's certificate of such original purchase.

Investment of Deposit.

IV. And be it Enacted, That if the person or persons named in such warrant or order, or the survivors or survivor of them, desire to have invested any sum so paid into the Bank of England or the Bank of Ireland, or any interest or dividend which may have accrued on any stocks or securities so transferred or deposited as aforesaid, the Court in the name of whose Accountant-general the same may have been paid may, on a Petition presented to such Court, in a summary way by him or them, order that such sum or such interest or dividends shall, until the same be paid out to the parties entitled to the same in pursuance of this Act, be laid out in the Three per Centum Consolidated or Three per Centum Reduced Bank Annuities, or any Government security or securities, at the option of the aforesaid person or persons, or the survivor or survivors of them.

Repayment of Deposit.

V. And be it Enacted, That on the termination of the Session of Parliament in which the Petition or Bill for the purpose of making or sanctioning any such work or undertaking shall have been introduced into Parliament, or if such Petition or Bill shall be rejected or finally withdrawn by some proceeding in either House of Parliament, or shall not be allowed to proceed, or if the person or persons by whom the said money was paid or security deposited, shall have failed to present a Petition, or if an Act be passed authorizing the making of such work or undertaking, and if in any of the foregoing cases the person or persons named in such warrant or order, or the survivors or survivor of them, or the majority of such persons, apply by Petition to the Court in the name of whose Accountant-general the sum of money mentioned in such warrant or order shall have been paid, or such Exchequer Bills, stocks, or funds shall have been deposited or transferred as aforesaid, or to the Court of Exchequer in Scotland, in case such sum of money shall have been paid in the name of the said Queen's Remembrancer, the Court in the name of whose Accountant-general or Queen's Remembrancer such sum of money shall have been paid, or such Exchequer Bills, stocks or funds shall have been deposited or transferred, shall by order direct the sum of money paid in pursuance of such warrant or order, or the stocks, funds or securities in or upon which the same may have been invested, and the interest or dividends thereof, or the Exchequer Bills, stocks or funds so deposited or transferred as aforesaid, and the interest and dividends thereof, to be paid or transferred to the party or parties so applying, or to any other person or persons whom they may appoint in that behalf; but no such order shall be made in the case of any such Petition or Bill being rejected or not being allowed to proceed, or being withdrawn or not being presented, or of an Act being passed authorizing the making of such work or undertaking, unless upon the production of the certificate of the Chairman of Committees of the House of Lords with reference to any proceeding in the House of Lords, or of the Speaker of the House of Commons, with reference to any proceeding in the House of Commons, that the said Petition or Bill was rejected or not allowed to proceed, or was withdrawn during its passage through one of the Houses of Parliament, or was not presented, or that such Act was passed, which certificate the said Chairman or Speaker shall grant on the application in writing of the person or persons, or the majority of the persons, named in such warrant, or the survivor or survivors of them: Provided always, That the granting of any such certificate, or any mistake or error therein or in relation thereto, shall not make the Chairman or Speaker signing the same liable in respect of any monies, stocks, funds and securities which may be paid, deposited, invested or transferred in pursuance of the provisions of this Act, or the interest or dividends thereof.

Granting Certificate, &c. not to make the Chairman or Speaker signing the same liable.

This is a new Order.

Revenues of India.

That this House will not receive any Petition, or proceed upon any Motion for a Charge upon the Revenues of the East India Company, without the recommendation of the East India Company, sanctioned by the Commissioners for the Affairs of India.

STANDING ORDERS relative to PUBLIC MATTERS.

Bills respecting Religion.

[30 April 1772.]

THAT no Bill relating to Religion, or the alteration of the Laws concerning Religion, be brought into this House, until the Proposition shall have been first considered in a Committee of the whole House, and agreed unto by The House.

Bills respecting Trade.

[9 April 1772.]

THAT no Bill relating to Trade, or the alteration of the Laws concerning Trade, be brought into The House, until the Proposition shall have been first considered in a Committee of the whole House, and agreed unto by The House.

Applications for Public Money.

[25 June 1852.]

THAT this House will receive no Petition for any Sum of Money, relating to Public Service, or proceed upon any Motion for granting any Money, but what is recommended from The Crown.

Revenues of India.

July 1856.

That this House will not receive any Petition, or proceed upon any Motion for a Charge upon the Revenues of the East India Company, without the recommendation of the East India Company, sanctioned by the Commissioners for the Affairs of India.

[29 March 1707.]

That this House will not proceed upon any Petition, Motion or Bill, for granting any Money, or for releasing or compounding any Sum of Money owing to The Crown, but in a Committee of the whole House.

[25 June 1852.]

That if any Motion be made in The House for any Public Aid, or Charge upon the people, the consideration and debate thereof shall not be presently entered upon, but shall be adjourned till such further day as The House shall think fit to appoint, and then it shall be referred to a Committee of the whole House before any Resolution or Vote of The House do pass therein.

[25 March 1715.]

That this House will not receive any Petition for compounding any Sum of Money owing to The Crown, upon any branch of the Revenue, without a Certificate from the proper Officer or Officers annexed to the said Petition, stating the Debt, what Prosecutions have been made for the Recovery of such Debt, and setting forth how much the Petitioner and his Security are able to satisfy thereof.

[22 February 1821.]

That this House will not proceed upon any Motion for an Address to The Crown, praying that any money may be issued, or that any expense may be incurred, but in a Committee of the whole House.

Pecuniary Penalties.

[24 July 1849.]

THAT with respect to any Bill brought to this House from the House of Lords, or returned by the House of Lords to this House, with Amendments, whereby any pecuniary penalty, forfeiture or fee shall be authorized, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases:

1. When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.

2. Where such fees are imposed in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury or Exchequer, or in aid of the Public Revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.

3. When such Bill shall be a Private Bill for a Local or Personal Act.

Temporary Laws.

[24 July 1849.]

THAT the precise duration of every Temporary Law be expressed in a distinct Clause at the end of the Bill.

Presentation of Public Petitions.

[14 April 1842.]

THAT every Member offering to present a Petition to The House, not being a Petition for a Private Bill, or relating to a Private Bill before The House, do confine himself to a statement of the Parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and to the reading of the prayer of such Petition.

That every such Petition not containing matter in breach of the Privileges of this House, and which, according to the Rules or usual Practice of this House, can be received, be brought to the Table by the direction of The Speaker, who shall not allow any Debate, or any Member to speak upon, or in relation to, such Petition; but it may be read by the Clerk at the Table, if required.

That, in the case of such Petition complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy, the matter contained in such Petition may be brought into discussion on the presentation thereof.

That all other such Petitions, after they shall have been ordered to lie on the Table, be referred to the Committee on Public Petitions, without any Question being put; but if any such Petition relate to any matter or subject, with respect to which the Member presenting it has given Notice of a Motion, and the said Petition has not been ordered to be printed by the Committee, such Member may, after Notice given, move that such Petition be printed with the Votes.

That, subject to the above regulations, Petitions against any Resolution or Bill imposing a Tax or Duty for the current service of the year, be henceforth received, and the usage under which The House has refused to entertain such Petitions be discontinued.

PRAYERS.

This Order is amended, by adding the words "unless such Committees be otherwise empowered to sit after Prayers," at the end of the Order.

Members' Places.

[6 April 1835.]

THAT no Member's name be affixed to any seat in the House before the hour of Prayers; and that the Speaker do give directions to the doorkeepers accordingly.

Strangers.

[5 February 1845.]

THAT the Serjeant-at-Arms attending this House do, from time to time, take into his custody any Stranger whom he may see, or who may be reported to him to be, in any part of the House or Gallery appropriated to the Members of this House, and also any Stranger who, having been admitted into any other part of the House or Gallery, shall misconduct himself, or shall not withdraw when Strangers are directed to withdraw, while The House, or any Committee of the whole House, is sitting; and that no person so taken into custody be discharged out of custody without the special order of The House.

That no Member of this House do presume to bring any Stranger into any part of the House or Gallery appropriated to the Members of this House, while The House, or a Committee of the whole House, is sitting.

Prayers.

[25 June 1852.]

THAT the Serjeant-at-Arms attending this House do, from time to time, when the House is going to Prayers, give Notice thereof to all Committees; and that all proceedings of Committees, after such Notice, be declared to be null and void, unless such Committees be otherwise empowered to sit after Prayers.

Letters.

[25 June 1852.]

THAT, to prevent the intercepting or losing of Letters directed to Members of this House, the person appointed to bring Letters from the General Post Office to this House, or some other person to be appointed by the Postmaster-General, do for the future, every day during the Session of Parliament, Sundays excepted, constantly attend, from Ten of the clock in the morning till Seven in the afternoon, at the place appointed for the delivery of the said Letters, and take care, during his stay there, to deliver the same to the several Members to whom they shall be directed, or to their known servant or servants, or other persons bringing notes under the hands of the Members sending for the same.

That the said Officer do, upon his going away, lock up such Letters as shall remain undelivered; and that no Letter be delivered but within the hours aforesaid.

That the said Orders be sent to the Postmaster-General at the commencement of each Session.

That, when any Letter or Packet directed to this House shall come to Mr. Speaker, he do open the same; and acquaint the House, at their next sitting, with the contents thereof, if proper to be communicated to this House.

Public Business.

[25 June 1852, amended 5 August 1853, and 19 July 1854.]

THAT, unless The House shall otherwise direct, all Orders of the Day set down in the Order Book for Mondays, Wednesdays and Fridays, shall be disposed of before The House will proceed upon any Motions of which Notices shall have been given.

That at the time fixed for the commencement of Public Business, on days on which Orders have precedence of Notices of Motions, and after the Notices of Motions have been disposed of on all other days, Mr. Speaker do direct the Clerk at the Table to read the Orders of the Day, without any Question being put.

That the Orders of the Day be disposed of in the order in which they stand upon the Paper; the right being reserved to Her Majesty's Ministers of placing Government Orders at the head of the List, in the rotation in which they are to be taken on the days on which Government Bills have precedence.

That no Notice shall be given beyond the period which shall include the Four Days next following on which Notices are entitled to precedence; due allowance being made for any intervening adjournment of The House, and the period being in that case so far extended as to include Four Notice Days falling during the sitting of The House.

That The House do meet every Wednesday, at Twelve o'clock at noon, for Private Business, Petitions, Orders of the Day, and Notices of Motions, and do continue to sit until Six o'clock, unless previously adjourned.

That when such business has been disposed of, or at Six o'clock precisely, notwithstanding there may be business under discussion, Mr. Speaker do adjourn The House, without putting any Question.

That the business under discussion, and any business not disposed of at the time of such Adjournment, do stand as Orders of the Day for the next day on which The House shall sit.

That at a quarter before Six o'clock on Wednesday, the Debate on any business then under discussion shall stand adjourned to the next day on which The House shall sit; after which no opposed business shall be proceeded with.

That whenever The House shall be in Committee on Wednesday at a quarter before Six o'clock, the Chairman do report Progress, and Mr. Speaker do resume the Chair.

That whenever the House shall meet, for despatch of business, before Two o'clock, except Wednesday and Saturday, unless The House shall otherwise order, The House will resume its sitting at Six o'clock; and when business has not been disposed of at Ten minutes before Four o'clock, unless The House shall otherwise order, Mr. Speaker shall adjourn the Debate on any business then under discussion, or the Chairman shall report Progress, as the case may be, and no opposed business shall then be proceeded with.

That when such business has not been disposed of at Four o'clock, unless The House shall otherwise order, Mr. Speaker (or the Chairman, in case The House shall be in Committee) do leave the Chair, and The House will resume its sitting at Six o'clock, when the Orders of the Day not disposed of at the morning sitting, and any Motion which was under discussion at Ten minutes to Four o'clock, shall be set down in the Order Book after the other Orders of the Day.

That whenever The House shall be in Committee at Four o'clock, the Chairman do report Progress when The House resumes its sitting.

That all Dropped Orders of the Day be set down in the Order Book after the Orders of the Day for the next day on which the House shall sit.

That when any Bill shall be presented by a Member, in pursuance of an Order of this House, or shall be brought from the Lords, the Questions "That this Bill be now read a first time," and "That this Bill be printed," shall be decided without Amendment or Debate.

*That the Committees of Supply and Ways and Means shall be fixed for Monday, Wednesday and Friday, and may also be appointed for any other day on which Orders of the Day shall have precedence of Notices of Motions.

That

*After "and" in third line from bottom, the words "may also be appointed" are inserted.

This is a New Order.

That no Amendments, not being merely verbal, shall be made to any Bill on the Third Reading.

*In the 6th line of this Order, the words "raise an objection" are omitted, and the word "object" inserted; and in the same and following lines, the words "in Committee, together with other Bills, the Order of the day for the Committee on" are inserted.

That when a Bill or other matter (except Supply, or Ways and Means) has been partly considered in Committee, and the Chairman has been directed to report Progress, and ask leave to sit again, and The House shall have ordered that the Committee shall sit again on a particular day, The Speaker shall, when the order for the Committee has been read, forthwith leave the Chair, without putting any question, and The House shall thereupon resolve itself into such Committee.

That at the close of the Proceedings of a Committee of the whole House on a Bill, the Chairman shall report the Bill forthwith to The House, and when Amendments shall have been made thereto, the same shall be received, without debate, and a time appointed for taking the same into consideration.

July 1856.

That no Amendments, not being merely verbal, shall be made to any Bill on the Third Reading.

[19 July 1854.]

That it be an Instruction to all Committees of the whole House to which Bills may be committed, that they have power to make such Amendments therein as they shall think fit, provided they be relevant to the subject-matter of the Bill; but that if any such Amendments shall not be within the Title of the Bill, they do amend the Title accordingly, and do report the same specially to The House.

That the Questions for reading a Bill a First and Second Time in a Committee of the whole House be discontinued.

That in going through a Bill no Questions shall be put for the filling up words already printed in *italics*, and commonly called blanks, unless exception be taken thereto; and if no alterations have been made in the words so printed in *italics*, the Bill shall be reported without Amendments, unless other Amendments have been made thereto.

That on a Clause being offered in the Committee on the Bill, or on the consideration of Report of a Bill, Mr. Speaker or the Chairman do desire the Member to bring up the same, whereupon it shall be read a First Time without Question put, but no Clause shall be offered on consideration of Report without notice.

That Lords' Amendments to Public Bills shall be appointed to be considered on a future day, unless The House shall order them to be considered forthwith.

That every Report from a Committee of the whole House be brought up without any Question being put.

*That Bills which may be fixed for consideration in Committee on the same day, whether in Progress or otherwise, may be referred together to a Committee of the whole House, which may consider on the same day all the Bills so referred to it, without the Chairman leaving the Chair on each separate Bill; provided that, with respect to any Bill not in Progress, if any Member shall object to its consideration in Committee, together with other Bills, the Order of the day for the Committee on such Bill shall be postponed.

Office of Speaker.

[20 July 1855.]

THAT whenever the House shall be informed by the Clerk at the Table of the unavoidable absence of Mr. Speaker, the Chairman of the Committee of Ways and Means do perform the duties and exercise the authority of Speaker in relation to all proceedings of this House, as Deputy Speaker, until the next meeting of the House, and so on from day to day, on the like information being given to the House, until the

House shall otherwise order; provided that if the House shall adjourn for more than twenty-four hours, the Deputy Speaker shall continue to perform the duties and exercise the authority of Speaker for twenty-four hours only after such adjournment.

Strangers and Divisions.

[19 July 1854.]

THAT, except when Mr. Speaker or the Chairman of a Committee of the whole House shall otherwise direct, his order for the withdrawal of Strangers during a Division, shall be understood to apply to Strangers occupying seats below the Bar and in the Front Gallery, and shall be enforced by the Serjeant-at-Arms accordingly.

That so soon as the voices have been taken, the clerk shall turn a two-minute sand-glass, to be kept on the table for that purpose, and the doors shall not be closed until after the lapse of two minutes, as indicated by such sand-glass.

That the doors shall be closed so soon after the lapse of two minutes as the Speaker or the Chairman of the Committee of the whole House shall think proper to direct.

Select Committees.

July 1856.

THAT on Wednesdays and other Morning Sittings of the House, all Committees shall have leave to sit, except while the House is at Prayers, during the sitting, and notwithstanding any adjournment of the House.

[25 June 1852.]

THAT no Select Committee shall, without leave of the House, consist of more than Fifteen Members; that such leave shall not be moved for without Notice; and that in the case of Members proposed to be added or substituted after the first appointment of the Committee, the Notice shall include the Names of the Members proposed to be added or substituted.

That every Member intending to move for the appointment of a Select Committee, do endeavour to ascertain previously whether each Member proposed to be named by him, on such Committee, will give his attendance thereupon.

That every Member intending to move for the appointment of a Select Committee, shall, One day next before the nomination of such Committee, place on the Notices the Names of the Members intended to be proposed by him, to be Members of such Committee.

That lists be affixed in some conspicuous place in the Committee Office, and in the Lobby of the House, of all Members serving on each Select Committee.

That to every Question asked of a Witness under examination, in the Proceedings of any Select Committee, there be prefixed in the Minutes of the Evidence the Name of the Member asking such Question.

That the Names of the Members present each day on the sitting of any Select Committee be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be), and reported to the House on the Report of such Committee.

That in the event of any Division taking place in any Select Committee, the Question proposed, the Name of the Proposer, and the respective

This is a New Order.

That on Wednesdays and other Morning Sittings of the House, all Committees shall have leave to sit, except while the House is at Prayers, during the sitting, and notwithstanding any adjournment of the House.

respective Votes thereupon of each Member present, be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be), and reported to the House on the Report of such Committee.

That if, at any time during the sitting of a Select Committee of this House, the Quorum of Members fixed by the House shall not be present, the Clerk of the Committee shall call the attention of the Chairman to the fact, who shall thereupon suspend the Proceedings of the Committee until a Quorum be present, or adjourn the Committee to some future day.

[5 August 1853.]

A TABLE of the FEES to be charged at The House of Commons.

FEES to be paid by the PROMOTERS of a PRIVATE BILL.

	£.	s.	d.
On the deposit of the Petition, Bill, Plan, or any other Document in the Private Bill Office	5	–	–
For every day on which the Examiners shall inquire into the compliance with the Standing Orders	5	–	–

For Proceedings in the House.

	£.	s.	d.
On the presentation of the Petition for the Bill	5	–	–
On the First Reading of the Bill	15	–	–
On the Second Reading of the Bill	15	–	–
On the Report from the Committee on the Bill	15	–	–
On the Third Reading of the Bill	15	–	–

Bills from the Lords, commonly called Estate Bills, Divorce Bills, Naturalization Bills and Name Bills, to be charged only one-half of the preceding Fees.

The preceding Fees on the Petition, First, Second and Third Readings, and Report, to be increased according to the money to be raised or expended under the authority of any Bill for the execution of a Work, in conformity with the following Scale:—

If the sum be	50,000*l.*,	and under	100,000*l.*	twice the amount of such Fees.	
„	100,000*l.*	„	200,000*l.*	three times	„
„	200,000*l.*	„	300,000*l.*	four „	„
„	300,000*l.*	„	400,000*l.*	five „	„
„	400,000*l.*	„	500,000*l.*	six „	„
„	500,000*l.*	„	750,000*l.*	seven „	„
„	750,000*l.*	„	1,000,000*l.*	eight „	„
„	1,000,000*l.*	„	1,500,000*l.*	nine „	„
„	1,500,000*l.*	„	2,000,000*l.*	ten „	„

And at the same rate of increase for every additional 500,000*l.*, up to five millions, and further at the like rate of increase for every additional million beyond five millions.

For Proceedings before any Committee.

For every day on which the Committee shall sit,—	£.	s.	d.
If the Promoters of the Bill appear by Counsel	10	–	–
If they appear without Counsel	5	–	–

FEES to be paid by the OPPONENTS of a PRIVATE BILL.

	£.	s.	d.
On the deposit of every Memorial complaining that the Standing Orders have not been complied with	1	–	–
On the presentation or deposit of every Petition against a Private Bill	2	–	–

For Proceedings before the Examiners, or before any Committee.

	£.	s.	d.
For every day on which the Examiners shall inquire into any Memorial complaining of a non-compliance with the Standing Orders	3	–	–
For every day on which the Petitioners appear by Counsel before any Committee	5	–	–
If they appear without Counsel	3	–	–

GENERAL FEES.

	£.	s.	d.
On every Motion, Order or Proceeding in the House upon a Private Bill, Petition, or matter not otherwise charged	1	–	–
For Copies of all Papers and Documents, at the rate of 72 words in every folio,—			
If five folios or under	–	2	6
If above five folios, per folio	–	–	6
For the Copy of a Plan made by the parties	1	–	–
For the inspection of a Plan, or of any document	–	5	–
For every Plan or Document certified by The Speaker pursuant to any Act of Parliament	10	–	–
For every day on which any parties shall be heard by Counsel at the Bar, from each side	10	–	–
For every day on which a Committee of the whole House shall sit on a Private Bill or matter	6	–	–
For serving any Summons or Order on a Private Bill or matter	1	–	–
For Riding Charges, if on any Private Bill or matter, per mile	–	1	–
For every Order for the commitment or discharge of any person	1	–	–
For taking any person into custody for a Breach of Privilege or Contempt	5	–	–
For taking any person into custody for any other cause	2	–	–
For every day on which any person shall be in custody	1	–	–
For Riding Charges, per mile	–	–	6

FEES to be paid on the Taxation of Costs on Private Bills.

	£.	s.	d.
For every application or reference to "The Taxing Officer of the House of Commons," for the Taxation of a Bill of Costs	1	–	–
For every £.100 of any Bill which shall be allowed by the Taxing Officer	1	–	–
For every Bill under £.100	1	–	–
On the deposit of every Memorial complaining of a Report of the Taxing Officer	1	–	–
For every Certificate which shall be signed by The Speaker	1	–	–
For Copies of any Documents in the office of the Taxing Officer, per folio of seventy-two words	–	1	–

That the same Fees be paid in case The Speaker shall refer to the Taxing Officer any Bill of Costs, under the authority of an Act of the sixth year of his late Majesty King George the Fourth, "To establish a Taxation of Costs on Private Bills in the House of Commons."

That every Bill for the particular interest or benefit of any person or persons, whether the same be brought in upon Petition, or Motion, or Report from a Committee, or brought from the Lords, hath been and ought to be deemed a Private Bill within the meaning of the Table of Fees.

FEES

FEES to be taken by the Short Hand Writer.	£.	s.	d.
For every day he shall attend - - - - - -	2	2	–
For the transcript of his notes, per folio of 72 words - -	–	–	9

The preceding Fees shall be charged, paid and received at such times, in such manner, and under such regulations, as The Speaker shall from time to time direct.

Veneris, 25° *die Junii*, 1856.

Ordered, That the said Table of Fees be a Standing Order of this House.

REPORT

FROM THE

SELECT COMMITTEE

ON

STANDING ORDERS REVISION.

1856.

Ordered, by The House of Commons, *to be Printed*,
17 *July* 1856.

363.

Under 16 *oz.*

REPORT

FROM THE

STANDING COMMITTEE

ON THE

LIBRARY OF THE HOUSE.

Ordered, by The House of Commons, *to be Printed,*
29 *July* 1856.

426.

Martis, 19° *die Februarii*, 1856.

Resolved, THAT a Standing Committee of Sixteen Members be appointed to assist Mr. Speaker in the direction of the Library, and to whom shall be referred all matters relating thereto.

Committee appointed:

Colonel Wilson Patten.
Lord John Russell.
The Chancellor of the Exchequer.
Mr. Napier.
Sir James Graham.
Mr. Monckton Milnes.
Mr. Disraeli.
Mr. Walpole.
The Lord Advocate.
Lord Naas.
Mr. Sidney Herbert.
Sir William Heathcote.
Sir Thomas Acland.
Mr. Massey.
Mr. Baines.
Mr. Bramston.

Ordered, THAT Five be the Quorum of the said Committee.

REPORT.

REPORT of Standing Committee on the LIBRARY of THE HOUSE, appointed to assist Mr. Speaker in the Direction of the LIBRARY, and to whom shall be referred all Matters relating thereto.

STATE OF LIBRARY.

CONSIDERABLE additions have been made to the Library during the last three years; and a sum bequeathed by Mr. Phillips (Secretary to Mr. Abbot and Mr. Manners Sutton, during the time each of those gentlemen held the office of Speaker), has been paid by the executors, and invested in accordance with the terms of the bequest. The Works purchased with this legacy were— *Vide* Appendix.

Œuvres complètes de G. Cuvier - - -	£. 236 –
Biblia Sacra Polyglotta, Walton - - -	42 –
Byzantinæ Historiæ Scriptores varii - - -	25 5
Sylvestre Paléographie Universel - - -	99 –

Your Committee propose to mark these volumes as having been bought with the legacy of Mr. Phillips, and purchased in accordance with his Will, under the direction of The Speaker.

In 1852 Your Committee directed the Librarian to purchase, from time to time, at public sales or by private contract, books requisite for the Library, which would render the different departments of the collection more perfect. Large additions have been made in works relating to general History, the Colonies, and East Indies, Dictionaries, and Books of Reference; Voyages and Travels, and Collections of Treaties; Topography, Political Economy and Law. The large increase of Books requiring additional accommodation, the room adjoining the Oriel room has been fitted up, and appropriated to the use of the Library.

An alphabetical Catalogue to the books in the Library, which contains, independent of Parliamentary publications, 20,000 volumes, has been compiled and printed for the use of such Members as make application for the work.

JOURNAL INDEX, 1837–1852.

This work is in type to the word "Orders" (forming 700 pages, or more than half of the volume), and such progress has been made in the compilation of the remaining part as insures its completion and delivery by 1857. The Petitions presented to the House of Commons since 1836 are so numerous,

as to represent, on computation, printed in small type, 600 large folio pages. This would have encumbered the volume, and rendered the division of the work into two volumes necessary; while the reference from the Index to the Journals would have been comparatively useless, as latterly no entry has been made in the Journals of the numerous Petitions which are daily presented; the Reports of the Committee on Petitions, which are regularly printed and distributed, having superseded the necessity of noticing them in the Journals or Votes. Your Committee, therefore, ordered a distinct and separate compilation of a General Index to Petitions from 1836 to 1852, the reference from which should be to the Reports of the Committee on Petitions and Appendix to Votes. This work has been completed and printed.

A General Index to Divisions has also been compiled, with references to the page and date on which each Division took place, referring to the daily published lists.

By these separate works being printed apart, the volume to the General Journal Index will probably not exceed 1,100 pages: had they formed part of the Index, the number of pages could not have been less than 1,800.

A General Index to the Bills, to the Reports of Committees, and to the Accounts and Papers, printed by order of The House, or presented by Command, from 1801 to 1852, has been compiled and printed, forming three volumes, and are delivered to every Member making application for the same.

29 *July* 1856.

APPENDIX.

EXTRACT from the last Will and Testament of *Edward Phillips*, formerly of Hammond-place, in the Parish of St. James-the-Apostle, in Dovor, in the County of Kent, and late of No. 50, Connaught-terrace, in the Parish of Paddington, in the County of Middlesex, Esquire, M. A., deceased, dated 28th October 1840.

THE said testator gave, devised, and bequeathed unto William Wood, the elder, of No. 39, Tavistock-street, in the parish of St. Paul, Covent Garden, and county of Middlesex, F.R.S. and F.L.S.; William Hodgkin, of No. 7, John-street, Pentonville, and of the Private Bill Office, House of Commons; and Henry Smith, of No. 8, Marlborough-place, Kennington, in the parish of Lambeth, in the county of Surrey, and to their heirs, executors, administrators, and assigns, all his real and personal estates (except as is therein excepted), upon trust, to sell the same within twelve months after the decease of Mary Ogden, of No. 50, Connaught-terrace aforesaid; and out of the proceeds thereof the said testator gave and bequeathed "to the Speaker for the time being of the House of Commons "the sum of 300*l.* sterling, upon trust, to be laid out in books to be placed in the Library of "the said House of Commons for the use of the Members thereof."

EXTRACT from a Codicil to the said Will, dated 21st November 1842.

THE said testator, after devising and bequeathing his residuary estate as therein mentioned, made the following bequest thereout; viz.: "I give and bequeath to the Right "Honourable the Speaker for the time being of the House of Commons an additional sum "of 100*l.* sterling, in trust, to be laid out in the further purchase of books, to be applied "in the same way and manner as is directed with respect to the sum of 300*l.* bequeathed "by my said Will, in trust, to the said Speaker."

The said testator died on 7th October 1844, and his said Will and Codicil were proved in the Prerogative Court of Canterbury on the 8th day of November 1844.

The said Mary Ogden is 77 years of age.

(signed) *Gravener & Son*, Dovor,
Solicitors to the Estate of the Deceased.

REPORT

FROM THE

STANDING COMMITTEE

ON THE

LIBRARY OF THE HOUSE.

Ordered, by The House of Commons, *to be Printed,*
29 *July* 1856.

426.

Under 1 *oz.*